90-4 21

No.

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

LOUELLA F. BENSON,

Petitioner,

v.

GLENN A. ALLY, PhD
E. J. FAUL
FAUL ENERGY COMPANY
NELLIE C. FAUL
ALMIE MELODY FAUL
GRACE IZENA KIDDER
MELVIN KIDDER
LOIS F. BEARB, individually
LOIS F. BEARB as
executrix of the estate FOREST BEARB
MALCOLM BEARB
LESLIE FAUL
WILLIAM C. GIBSON,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

By: LOUELLA F. BENSON,
pro se
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Questions Presented:

1. In view of pattern of abuses shown, are not appellant's rights to go before an unbaised Judge being violated?

2. Are not appellant's due process rights to discovery being violated?

3. Is not the appellant being discriminated against and treated differently and are not anti-discrimination laws being violated by the lower Courts against prose woman with physical handicap from out of state?

4. Should not the two Fifth Circuit Judges who previously failed to enforce appellant's due process rights as documented have recused themselves in subject case in view of very related matters and more revelations of untruths?

5. Did not the Fifth Circuit err in granting Gibson's Motion to Dismiss Notice of Appeal as documented and are

not appellant's rights to appeal being denied,including by not considering Petition en banc as requested?

6. Did not the review Judges err in not seeing that the trial Judge punished me Order A-16-18 for not meeting face to face with opposing counsels and for not timely seeking leave when his Scheduling Order A-19-22 shows I did what he allowed and A-141-168 shows I did timely seek leave in view of opposing counsel and Gibson's delaying tactics.

7. Did not the Judges show undue discrimination against appellant in comparison to opposing counsels and appel-pro se and in comparing with Gibson?

8. Is not the trial Judge's Scheduling Order unconstitutional at A-22 re the confidential "fact and law" given to him only; does not this call for abuse and especially since he does not believe appellant who only tells him truth.Pg 62.

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

LOUELLA F. BENSON,
Petitioner,

v.

GLENN A. ALLY, PhD, et al
Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

TO: The Honorable Chief Justice of the United States and the Honorable Associate Justices of the Supreme Court of the United States.

The petitioner respectfully prays that a writ of certiorari issue to review the judgments of the United States Court of Appeals for the Fifth Circuit, including entries of July 12, 1990, and of June 26, 1990, denying Appellant's rights concerning the rulings of the Honorable Tom Stagg of May 14, 1990, and April 23, 1990, in the U.S. District Court of Louisiana, Lafayette-Opelousas-Monroe and Shreveport Division, Section L, CV 86-0489, No. 90-4393, orders attached at A-5 - .

OPINIONS BELOW

The opinions and rulings of the Court of Appeals for the Fifth Circuit reprinted at A-5 through A-6 , which review the District Court's rulings reprinted in the Appendix at A-7 through A-10.

JURISDICTION

The final ruling of the Court of Appeals for the Fifth Circuit was entered on July 12, 1990. This Petition for Writ of Certiorari is being filed timely as shown at A-1, letter from Barry W. Stiebing, Chief Judicial Support Division of July 19, 1990. This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1254 (1), etc., Rule 13 of the Supreme Court and the U.S. Constitution, etc.

CONSTITUTIONAL PROVISIONS, STATUTES AND REGULATIONS INVOLVED

Fourteenth Amendment to the U.S. Constitution (Section I)

The Eighth, Sixth, Fifth and Fourth Amendments to the U. S. Constitution.

The Virginia State Constitution

The Louisiana State Constitution and Code, including but not limited to 2313; Article 967 of the La. Code of C.Proced.

Privacy Act

Civil Rights Restoration Act and anti-discrimination laws

The 1990 law barring discrimination against the handicapped

Federal Rules of Appellant Procedure

Federal Rules of Civil Procedure

Supreme Court Rules.

28 U.S.C. Section 144 and 455.

Statement of Case (Factual)

This Writ is being filed because it is appellant's position that the trial Judge, Honorable Donald E. Walter, has been prejudiced and has shown undue discrimination against this pro se appellant, and out of state woman, and that the appellant would be denied her right to go before an unbaised and impartial Judge as supported by the facts and pattern of treating appellant differently, and which the review Judges failed to understand. It should be pointed out that Chief Judge Tom Stagg has failed in the past to enforce appellant's basic right to be copied with misrepresentations filed prior to rulings adverse to appellant in the Western District in cases which subject case derived from as well as in subject case. It must be pointed out that Fifth Circuit has failed to protect appellant in same above-mentioned matters and to

assure her due process rights to be copied with an opportunity to respond prior to rulings,etc., all of which is in violation of the F.R.C.P., the A.R.C.P, substantive due process rights, constitutional and anti-discrimination laws.

In addition both Judges Gee and Smith of the Fifth Circuit have ruled in other of appellant's appeals where her rights were grossly violated without cause, and which subject case derived from, they too have been mislead and prejudiced and the harm to this appellant is being compounded. For example, Judge Smith ruled in Benson vs. Hoffpauier,et al,where appellant was subjected to search and seizure, abuses, etc. without her consent on the day after she had hand-carried the signed for (by deputy) missing letter of complaint re her then deputy brother-in-law who wanted her property and who had trespassed on

appellant's property earlier-outside his jurisdiction to assure appellant that she would be nailed on false false charges, that"they were working on it". All charges subsequently dropped. After appellant filed charges the sound tape of trial promptly destroyed! Search and seizure all negative,no drugs weapons nor alcohol and a search and seizure without consent or warrant is a clear violation of the Fourth Amendment. Too, the Fifth Circuit reviewed appellant's appeals in Benson vs. Deputy Bearb,et al, and Benson vs. Lois F.Bearb et al, where appellant was not copied with misrepresentations filed prior to rulings in both very closely related cases which were to be tried together. Judge Gee ruled adverse to appellant in both of those cases which subject case derived from and failed to enforce her rights to be copied and to be heard.

In Benson vs. Lois F.Bearb, some of the misrepresentations filed ended up in the opinion adverse to appellant although they had never been put into evidence,etc, and she was not allowed to go into some of these important matters at trial pro se. Had appellant had due process she could have proved the fraudulent scheme pleaded in subject case from the other cases--what transpired in the other cases show that the fraudulent scheme pleaded in subject case is ongoing. Judge Gee failed to recuse himself as appellant had requested in subject case and appellant felt he should have.

At all times when appellant was not copied in the Western District, apellant has reason to believe that Chief Judge Tom Stagg was in charge of the Western District and he failed to enforce appellant's rights. Infact,

in some instances the record itself shows that opposing counsel did not certify that he was copying her with misrepresentations of "fact and law" re some crucial matters, and he indeed did not copy her in March of 1986 in CV84-2541, and in 84-2540, and she has not been able to obtain some crucial information in subject case. There are letters in the record of all three cases which appellant wrote to the Clerk in Shreveport in efforts to be copied with any information denied to her and for which she sent money. Chief Judge Tom Stagg is in Shreveport which is where all filings are made for the Western District of Louisiana. These denials were under his watch,thus he, in appellant's opinion, has shown undue discrimination and is prejudice.

The facts to show that the trial Judge has shown actual bias and undue discrimination are legion as shown in the Statement of Fact which follows as well as additional errors by the review Judges, all of which makes a fair trial before an unbaised Judge impossible.

Factual Statement of Facts

Subject case derived from E.J.Faul,et al vs. Louella F.Benson(1983) 89-191-B when the family defendants in subject case sued appellant after she insisted on bidding on the improvements of her deceased parents as shown from appellees' plans and threats since 1981 reprinted A-81-82-83. After appellant was finally allowed to bid, presented the highest bid, the case was settled amicably out-of-court and appellant was assured full use of the then existing limestone road to her property for which she took losses.

Totally unknowingly to appellant and without her approval, shortly after the cancelled checks found at A- 84-85 were requested, Deputy Forest Bearb of Acacia Parish (appellant's sister's husband) destroyed the limestone Paul Road and "covered up the private and public drainages"to the detriment of appellant's property. Twice appellant went on her La.property from Va. and employed engineers and both times there were unwarranted interventions by Deputy Bearb and his wife although the work was on appellant's property. The second time in March of 1984, Deputy Bearb trespassed on appellant's property,outside his jurisdiction with his badge, falsely accused her of having committed forgery and assured her that"she would be nailed, that they were working on it",and that "she could not take it with her",

in referring to appellant's property which he was trying to obtain for his land company. It was for this that appellant took a letter of complaint to the Sheriff of Acadia Parish in May of 1984 on the night before she was brutally arrested by the laughing State Troopers, but there were no investigations as required by the Acadia Parish Sheriff, nor by the State authorities re the troopers as she had again requested. Instead the letter signed received by a deputy is strangely missing.

After appellant was not able to obtain an apology from Deputy Bearb, (because she swore on oath a number of times that she has never committed forgery nor any crimes), and she was not able to have the constructions and destructions,etc. installed by Deputy Bearb removed nor would they unplug the drains,appellant was obligated to file suit in Sept.'84,

Benson vs. Deputy Bearb et al,84-2540 and Benson vs. Lois F.Bearb et al 84-2541. Instead of answering complaints, the defendants obtained a lawyer who represents police and submitted an affidavit by the lawyer who had never seen appellant to have her mentally evaluated; the Magistrate turned them down in both cases. Then the defendants', (same family appellees as in subject case) lawyer prepared"affidavits" which he said were from his clients and appellee William C.Gibson (former deputy of Acadia who used to work with Dep. Bearb and who does not know appellant) and obtained a report from Ally, Lafayette psychologist and who does not know appellant who has lived outside of La. for over 35 yrs. Ally represented the "affidavits" as sworn statements on 5/6/85,upon which

he published his hypothesis of 5/6/85, although the "affidavits" of her brothers and sisters who were trying to obtain her property were not sworn to until two weeks later, some were never sworn to, and that of appellee Gibson, their only affiant with nothing to gain from appellant was not sworn to at time of the hypothesis. On the night before report-hypothesis by Ally, there was a court-ordered private and confidential settlement conference between appellant and appellees' counsel; however, the next day in his "report" Ally described appellant's speech! and he, like the other appellees refused to answer any interrogatories in subject case re anything. After appellant, pro se, presented rebuttal affidavits in CV84-2540 and CV84-2541, Magistrate Methvin again denied their motions for mental evaluation of appellant, she fined and warned

all parties of "unchecked harrassment by embittered relatives" and of sanctions for future harrassment; however, the appellees proceeded to appeal to Judge Shaw (and had failed to copy appellant until she happened to walk in the Clerk's office in Shreveport) but Judge Shaw affirmed the Magistrate's rulings of denials reprinted A-111-118

The trumped-up "affidavits" were loaded with untruths and hearsay untruths and denied to appellant and her lawyer years ago but used many years later after she had money to buy the homesite of her deceased parents, and the"affidavits" were never subjected to cross-examination.

Areas where Judge showed he was prejudice and bias in prior subject case

After the relative appellees and two of their siblings were trying to railroad appellant to get back property she purchased with their consent, appellant filed subject case, Benson vs. Ally, et al, CV86-0489, for a fraudulent scheme to take unfair advantage of her in business deal and to discredit her to deny her due process, Honorable Donald E. Walter, Monroe was assigned.

In a memo ruling, the Judge referred to a Court-ordered mental evaluation of appellant in CV84-2540, 84-2541, which was not so, as shown at A-111-118 they were denied in those cases. Judge Walter also referred to sworn statements given to Ally in his memo, although appellant showed proof they were unsworn at the time of the report which was what she pleaded as well as that

defendants had been denied in motions for mental evaluations. Appellant filed a motion for corrections in the memo ruling but no corrections were made although her pleadings and other proof filed showed the Judge was in error.

Appellant was first to initiate discovery in subject case by sending crucial interrogatories to opposing counsel Brandt for his clients, Ally, E.J.Faul, Izena Kidder, and Lois F.Bearb to answer and after due time she filed a motion to compel after her requests for answers were ignored. Instead of answering the interrogatories, an order was obtained from Judge Walter for appellant's mental evaluation on 6/2/86, on the day she went on her farm and was exposed

to "Spike" an inadequately tested herbicide which was used on appellant's property against her expressed wishes and without warning. (Spike is the herbicide which the manufacturer refused to sell to the government to use in Peru in view of both known and unknown concerns by respected scientists.) No hearing was held and if statements or affidavits were presented to Judge Walters, for her mental evaluation by the appellees, appellant was not copied. Appellant did pro-offer to Judge Walter that she had ruled out mental problems and need for treatments following heart injury, prominent septal depolarization, by volunteering for complete mental evaluation and psychological by the proper professionals, by letter 5/7/86, later by husband's affidavit, (see A-50), and she informed

the Court that the appellees were trying to railroad her to obtain her property and cover-up prior abuses which was why they refused to answer any interrogatories, and she also informed the Court of appellees' threats, plans as shown at A- 81 - 83 , appellee E.J. Faul's and his first ex-wife appellee Nellie C.Faul's signature as a witness, showing his 1981 plans to take complete control of the Faul estate, including the mineral rights, and appellee Leslie Faul, his ally's response to appellant's 1981 bid for improvements, saying "No Bids"...will fight you in the Courts and <u>otherwise</u> to keep you from getting it. The "otherwise" meaning plans to try to railroad her as appellee E.J.Faul had threathened over the phone in 1981 during his plans to take complete control of the Faul estate, that if appellant came to Lafayette, he knew a doctor who would

help him railroad appellant in an institution! Appellant informed the Court with affidavit and motion for his mental evaluation that her brother has a history of alcohol addiction and confinements for treatment but her motion was never ruled on. She informed the Court that her sister appellee Kidder had an addiction problem for years and had created problems for this appellant years ago for which she had denied affidavits then but which was being used in estate cases many yrs. later and that appellant had not been around her family appellees, nor lived in La. in many, many years; that the motion formental evaluation by her brother's hand picked psychiatrist in La. was in bad faith to deny her property rights and cover-up their fraudulent scheme pleaded instead of granting discovery.

After opposing counsel Brandt wrote Judge Walter with some distortions and enclosures of what had transpired in other cases (when he was infact avoiding discovery in baseless counterclaim he filed for Deputy Bearb and then advised him to deny discovery), appellant wrote Judge Walter a rebuttal letter with enclosures to show what had transpired. Judge sent the mailing back unopened with the letter order shown at A-23 ordering appellant not to communicate with him but opposing counsel Brandt was allowed to continue. Appellant was not allowed to copy the Judge with copies of her filings inspite of the geographical disadvantage of being in Virginia. Appellant filed documents to show that Dep.Bearb had indeed placed his mental-physical health

in controvery but appellant's motion to evaluate him was ignored in Western District. Appellant presented facts in opposition to summary judgment to show that her property was flooded and plans to remedy same by an expert engineer S.J. Langlinais and life time eye witnesses who know the family and appellant's property to show that the road had been destroyed and the drainages altered,and more facts to show that the acreage unaccounted for in the estate was the same amount as in Dep.Bearb's "new road" and which appellees Lois F. Bearb and Leslie Faul swore on oath that appellant had access to but their counsel wrote the Judge in secret filing that appellant did not have any access with other distortions which is what was in final order although never put in evidence--inspite of

losses appellant took for road as it was plus fact that appellant was enclosed at time of agreements; La. law C.C694-5 bars being locked-in.

The appellees in subject case--family appellees rushed for summary judgment without discovery because their attorney was aware of the misrepresentations he had made to the Court in "Facts and Law" in CV84-2540 and 2541 which subject case derived from and that he had not copied appellant and that those misrepresentations would be very helpful to prove fraudulent scheme in subject case. However, they were successful in obtaining Summary and Default Judgments in subject case before appellant even knew of misrepresentations filed,including for Faul Energy by telling

the Court for Summary Judgment that appellee E.J. Paul only had a few shares of stock in Paul Energy, although as shown at A-120 appellee Paul testified the year after that Paul Energy was his company as shown. See A-72-74.

Of importance also, in 1987 when appellant appealed before the Fifth Cir. in subject case, a harmful adverse order of denial was entered by the Fifth Cir. and circulated in other cases,e.g.given to the trial Judge in the case re the State Troopers, although this order was issued in violation of the F.R.C.P. and A.R.C.P., where one cannot appeal for fewer than all defendants-appellee Gibson had not yet filed for summary judgment,plus the fact that defendants did not answer any interrogatories inspite of the ongoing cover-up and the phony "affidavits" denied many years ago and never subjected to cross but

relied upon in subject case after being rejected in other cases!
Had the Court granted discovery and considered her motions and facts she would have been spared additional harm.

Another point of undue discrimination which the review Judges ignored is the fact that on 6/17/88, appellant could not attend her hearing in subject case to again try to compel answers to interrogatories to appellees and for appellee E.J.Faul's mental evaluation which Judge Walter had set for 6/17/88 as shown at A- 57-61, because as shown by appellant's affidavit of July 27, 1988, A- 75-85 appellant could not go to La.due to her husband's cancer surgery medication reaction, but she did inform the Clerk and asked that he inform the Judge timely as shown at A-68-70 which was done, A- 71 As shown from transcript at A-64-7

Judge Walter did not even mention appellant's discovery motion which was the reason for the hearing; he made prejudicial and incorrect statements:

> "The Court: And they said I was wrong because I made no findings to justify the dismissal. I thought the record would speak for itself. Consistently, throughout the record Ms.Benson has shown an utter disregard for whatever the Court orders. She doesn't show up at anything. She doesn't show up at these hearings. She is in total disregard of the Court's orders. I see nothing to do except to enforce the sanctions of dismissal of the lawsuit. Mr. Brandt, is there anything further?"
>
> "Mr.Brandt: No, Your Honor. I feel like that pretty much covers it."
>
> "...The Court: Your Motion to Dismiss as sanctioned is granted,Sir.. Sorry to have made you come all the way from Crowley for that...If you want to ask for Rule 11 sanctions, I will certainly entertain them." (underscore added.)

Appellant did not even know that a motion to dismiss would be heard on 6/17/88 and this was the only oral hearing

she was ever notified of, so the Judge misstated as to appellant not attending hearings and ignoring orders. The Judge ignored appellant's good cause for not being there--just like her motions; as shown at A-23 she had been ordered not to communicate with the Court so she had no idea the Court would be calling and the Clerk had informed the Judge of why she may not be able to be there. The one Court order that appellant did not comply with was to go to appellee E.J.Faul's hand-picked psych in Lafayette in view of her brother's threats during 1981 estate plans to take over/that farm, if she came to Lafayette, he knew a doctor who would help him railroad appellant! As to the Judge's remark about the record, in addition to appellee Faul et al's

threats and plans as shown at A-81-83 the Judge had copy of appellee Faul's 1987 suit against appellant (after the first Summary Judgments,etc.without discovery and before she knew of misrepresentations filed) attaching her homesite for $100,000 (after she spent $30,000.on improvements)consistant with their 1981 plans, asked Court to have her home sold and to condemn her because she would dare attack his credibility with good cause while she was pro se at trial to avoid more harm. The Court also had appellant's affidavit showing her brother had a history of alcoholic addiction and treatments, two divorces in recent years, confinement for making threats and a history of card playing. The Court also had facts to show appellee I. Kidder had history of addiction for years--had left half-way house about 1988.

Also in 1988, appellant had informed the Court that she had facts to show the fraudulent scheme and efforts to deny due process in subject case,that appellant could show the appellees were misleading the Court for gain and to cover-up their unconscionable actions for years with the abuse of psychiatry.

Out of respect for the Court appellant paid $400.to her brother's hand picked Lafayette psych for appointments he made as sanctions although she does not know and had never heard of the doctor and has objective facts by doctors who fully evaluated and tested her to show she doesn't have mental problems and does not need treatments A-86-9. Appellant relied on the discretion of the Court instead of the harm that

would come by going to her brother's psych in view of his treats as shown. However, note how appellee Gibson was protected by Judge Walter when he ignored the Magistrate's order re the phony 1985 affidavit represented as Gibson's affidavit which Dr.Ally had relied upon and which damaging information in 1985 affidavit denied by Gibson in July 1988 affidavit as shown below. See A-122 - 139 .

New and additional reasons which show undue discrimination and prejudice:

As shown below, the Judge punished appellant because appellee Gibson was ignoring the Magistrate's discovery order found at A-11-14.

After Judge Walter granted S.J., dismissal to all other defendants,without discovery, the remaining defendant appellee Gibson filed for Summary

Judgment and subitted the July 7, 1988, affidavit by appellee Gibson shown at A-122in which he expressly denied the damaging statements in the April 1985 affidavit shown at A-125 which was represented as appellee Gibson's affidavit by the other appellees' counsel (Dep.Bearb et al) who gave the 1985 Gibson "affidavit" to Dr. Ally who relied upon same for his long-distance hypothesis-label of appellant. (Gibson was the only affiant with nothing to gain from appellant-neither Gibson nor Dr.Ally have ever seen appellant nor talked with her.) See appellant's rebuttal affidavit of Gibson's found at A-129. Note on 7/7/88 appellee Gibson swore in quotes:

> "In March of 1984,I was employed as a Deputy Sheriff of Acadia Parish,La....I received a telephone call from Louella F.Benson regarding some action by her brother-in-law,Forest Bearb.....I have at no

time ever made any statement,sworn or otherwise,regarding the mental condition of Louella F.Benson. I have not submitted any reports, affidavits or any other type of information to Glenn A. Ally,Ph.D."underscore added. A-139 Gibson note of call.

Note the 3/20/85"affidavit" represented as Gibson's stated:

"....I had to put her on hold many times. Sometimes she would be on hold for five minutes, but did not hang up. I had an uncomforable feeling about the woman's state of mind..after what seemed to be about forty-five minutes, I had had enough and I told her I was going to have to cut her off. She acted as if she had not heard a word I said and kept on talking. I then hung up on her. The next day I saw Mr.Bearb and asked him if this lady was mentally unbalanced."

Note appellant's affidavit of 4/12/85:

"....My telephone bill for April 1984 shows that on March 27, 1984, at 8:09 Eastern time (7:09 p.m.Central time); not approx. 9:00 at night as he writes, I called Crowley,La.,318-783 5616 and the period of time was 15 minutes; not 45 min. as he implied....Also,

Mr.Gibson adds that "he put me on hold many times" and "sometimes she would be on hold for five minutes... I then hung up on her." Mr. Gibson did not hang up on me. If he put me on hold many times and left me holding sometimes for five minutes that does not leave much time for conversation in 15 minutes.

.....he still did not get the message as revealed by the attached copy of letter which I hand-carried to the Sheriff's Office just before dark on the evening of May 4, 1984 when I drove in from Houston.

As revealed by the attached letter, "I reported to Cfficer Gibson over the phone this week, Forest Bearb, one of your officers (and my sister's husband) came on my property in St.Landry Parish on Friday 23 and informed me that I had committed a forgery in Houston...."(My letter has never been answered nor was the information I requested re the "forgery" furnished.)

Clearly, the gentleman was not interested in the fact that I called and reported that Forest Bearb, an Acadia Parish policeman, had come on my property in St.Landry Parish and accused me of a crime I did not commit. His affidavit was instigated to discredit me and to help Forest Bearb....." See A-129-139.

After appellant objected to S.J.and pointed out inconsistencies as Court's records show, on 1/5/89, Judge Walter wrote the Crder A-246-247 saying:

> "Gibson has presented compelling evidence that he never submitted to Glenn A. Ally,Ph.D.,any statements, reports, or other information concerning plaintiff's mental condition.
>
> Plaintiff opposes, submitting both copies and originals of various affidavits and exhibits in which she refutes an unsworn statement bearing defendant Gibson's name in which he refers to plaintiff's mental condition.
>
> Plaintiff has 20 days to present to the Court evidence that the unsworn statement of Gibson is in fact genuine and was submitted to Dr.Ally for the purpose of developing his mental evaluation of plaintiff. Defendants will then have 10 days to respond to any submissions presented by plaintiff."

After appellant responded, to her knowledge opposing counsels did not respond, instead appellee William Gibson's insurance obtained new lawyers from N.Orleans.

It should be noted here that in his Memo-Order of 5/9/86, Judge Walter said:

> "...defendants allegedly hired Dr. Ally to perform a court ordered psychological examination of plaintiff, that he allegedly did an evaluation based on affidavits. Plaintiff apparently seeks damages,an injunction and to have her medical record expunged of the "false" evaluation." underscore added.

It should be pointed out that appellant pleaded in subject case that the "affidavits" were not sworn to as prior stated until many days after La.closet psychologist Ally's "evaluation" of appellant who he does not know but that as pleaded Dr.Ally misrepresented the statements as sworn to in his report of 5/6/85, and upon which he said he relied. Note Judge Walter refused to make that correction, nor did he correct the fact that it was in no way a court ordered evaluation in CV84-2540-CV84-2541 which subject case derived from, but a private and confidential settlement conference,nor would he correct

the statement about"her medical records" inspite of the fact that Ally could not legally have any medical records of this appellant who lives in Va. and never saw him nor sought his services. See A-24/32 by Judge re her motion for correction. To further show that Judge Walter is extremely biased, etc. in his order of 1/5/89. Judge Walter refers to the affidavit of 3/20/85 represented as Gibson's damaging affidavit as "an unsworn statement" when as shown at A-128 it was sworn to, thus the Judge changes the record as necessary for the opposition and ignoring the provable facts, which further shows he is unduly prejudice against this appellant. The Judge also ignored that Gibson not only swore on 7/7/88 that he had not made this damaging information available to Dr.Ally but he also swore, "I have at no time ever

made any statement,sworn or otherwise, regarding the mental condition of Louella F. Benson."

Attorney Homer Barrouse filed to withdraw his name and Attorney Michael J. Laughlin of Stassi,Rausch & Giordano entered his appearance at which time appellant promptly sent interrogatories for appellee Gibson to answer. After appellant was not able to obtain answers she filed motion to compel and for production which was sent to Magistrate Simon in Alxandria, and who compelled answers as shown at A/ 11-14 no later than 10/31/89. (As described on 9/10/89, appellant had written Mr.Laughlin prior to filing motion to compel and had reminded them of "..the time element". Via cert.mail # P 025 817 045,received on 9/18/89, she followed through (with call)and second letter on 9/15/89,A-141-44

and which letter was sent to the Clerk for Judge Walter. As appellant informed Chief Judge Tom Stagg (and the Fifth Circuit again with her Motion for Reconsideration),when appellant called Mr.Laughlin on 9/14/89,he informed that he was leaving the firm of Stassi,Rausch & Giordano, (like Mr. Barrouse he would be withdrawing),and another lawyer,probably Mr.Rausch would be entering his appearance, and Laughlin requested appellant allow more time for answers because "it would be necessary for a lawyer to go to Lafayette to meet with Mr.Gibson." Note appellant agreed to deadline of 9/25/89 because she had to prepare the pre-trial order,which was why she was keeping the Judge informed through the Clerk,A-141-4. After appellant was not able to contact Mr.Laughlin on 10/24/89 (who had left firm) and secretary did not know who

would replace him, appellant left word and filed on 10/25/89, a Motion to Inform the Court and to Request Permission for Telephonic Appearance at Pre-trial. Her motion reprinted at A-145-153was not ruled upon. After appellant received a call from Attorney John R.Flowers of Stassi,Rausch & Giordano at noon on 10/25/89, in response to her call, and who informed that he would be entering his appearance and withdrawing Mr. Laughlin, that he would try to find Mr. Gibson, suggested appellant file for a continuance. In good faith, appellant filed on 10/26/89 another Motion to Inform the Court and for a Continuance in View of New Information,reprinted at A-154-164. Mr. Flowers mailed his appearance to Substitute counsel on 10/27/89, which appellant responded to with corrections as shown at A-165-168.The pre-trial scheduling Order in record shows that pre-trial was scheduled for 11/3/89; not 11/30/89

as Mr. Flowers represented. Too, in his letter to appellant of 10/26/89,received during p.m. on 10/31/89, Mr.Flowers mentioned a hearing on 10/31/89 re the Gibson unanswered interrogatories. Appellant was never notified of any such hearing by the Court as required by F.R.C.P.,as she so informed the Court,not even when she called the Clerk then to learn the status of her motion. As shown by Mr.Flowers' letter at A-169 he verified that he had requested that appellant ask for continuance:

> "I believe I am correct in stating that we both agree that a continuance is needed in order to permit you to put together plaintiff's portion of the pre-trial order and for me to put together the defendants' portion of the pretrial order with reference to the answers to the discovery requests propounded by you to former Deputy William C. Gibson...I would respectfully request that you ask that that hearing be postponed so that we can avoid what may well be unnecessary pre-trial activity, and get this case ready to be tried on a new date set by the Court...." underscore added.

As shown reprinted at A-145 / 153 on 10/25/89, appellant informed the Court by Motion:

> "...On Oct.16,1989,Magistrate Simon ordered defendant Gibson answer the interrogatories and properly respond to the request for production, no later than Oct.31,1989...It is important that plaintiff receives this crucial information from Defendant Gibson timely prior to the settlement conference,and too,plaintiff was waiting on this information prior to contacting opposing counsels for attorneys' conference and she would need this information prior to completing the Pre-trial Order per the Court's Order of 5/10/89.
>
> " In view of the above,..record,and following plaintiff respectfully prays that she be allowed to participate in pre-trial conference of 11/3/89 via phone and that the Court allow extra time for the Pre-trial Order to be filed in view of defendant Gibson's delay in answering interrogatories and requests for production." underscore mine.
>
> "...She must,however,have the name of the lawyer handling this matter.."

The interrogatories,etc. sent to Gibsons attorneys,(SR&G)reprinted at A-174-178, Scheduling Order at A-19-22.

Appellant's second Motion to Inform the Court and for Continuance filed on 10/26/89,after lawyer Flowers of SR&G returned her call on 10/25/89, as aforestated and requested that appellant ask for a continuance as quoted at pg. 39 of this brief "...to permit you to put together plaintiff's portion of the pre-trial order...avoid...unnecessary pre-trial activity..reprinted A154-64, shows that appellant again informed the Court opposing counsels would be entering their third substitution of consel, counsels had not located Gibson,appellant was informed,and in good faith, appellant went along with Mr.Flowers' request and filed for continuance:

> "In view of the above and the fact plaintiff is unable to prepare the pre-trial order nor prepare for trial until she has responsible answers to interrogatories and request for production from defendant Gibson plaintiff would ask the Court...

"That the pre-trial conference set for Nov.3, and plaintiff's Motion to be Copied with any Information Not Made Available set for Nov.17,1989,be continued and reset at a date after Defendant Gibson is found and complies with Magistrate Simon's recent Order compelling answers to interrogatories and production;

"That the case be continued and reset for trial at a later date in view of the delays in obtaining crucial discovery."

"Plaintiff is unable to comply with the Judge's Order until she obtains discovery from Defendant Gibson;the pre-trial order would have to be resubmitted again after Defendant Gibson produces and this information is necessary prior to the attorneys' conference, and prior to pre-trial conference."

"Mr.Flowers suggested that plaintiff obtain continuance since he had just been assigned the case and had not yet made his appearance...The facts show that Mr.Barousse got off the case during the summer and was replaced by the firm of S,R&G,(Mr.Laughlin-who was to have met with Def.Gibson in Lafayette,and who is no longer with the firm...SR&G should have been able to make contact with their client....

> the defense should in no way be allowed to benefit from delay in any way. The facts in the record show that plaintiff has been unfairly made a victim as verified by Mr. Gibson's 1988 affidavit, thus it is crucial that she obtains answers... plaintiff has little choice but to ask for continuances."

As appellant also informed Chief Judge Tom Stagg and the Fifth Circuit, on 11/3/89, Judge Walter entered an Order, reprinted at A-16-18 , invoking sanctions, removing case from pretrial dockets, and further proceedings in this case STAYED because appellant had failed to file a joint pretrial order by Oct.30, 1989, and that neither party had timely contacted Court to request extension on the deadlines, and unconscionably Judge Walter goes on to declare appellant's motion to inform the Court and for continuance in view of new information Moot, inspite of the

above quoted facts, proof that appellant had timely informed the Court of opposition's delaying tactics via overnight service and sought extensions to deadlines as soon as she was able to make contact with a lawyer at SR&G.Too Judge Walter ignored that she had filed two Motions to Inform the Court and for Leave,in addition to her pending Motion to be Copied with any information not made available to her which were never ruled on. Note on the same day 11/3/89, Judge entered another order,reprinted A-15 , entering Mr.Rausch's name as opposing counsel,thus verifying that Court knew appellant, pro se, did not even have an opposing counsel of record to confer with in any way, Mr.Laughlin had left the firm weeks earlier and Mr.Flowers had not entered his appearance--he had just been assigned to case.

Most importantly, appellant informed the Fifth Cir.of all this again in her Petition for Rehearing which she requested be heard en banc--but it was not the 20 plus copies of brief and attachments promptly returned and instead-on day after receipt, Fifth Circuit Judge who had previously ignored her rights to be copied with misrepresentations prior to rulings denied her Petition for Rehearing and could not have had time to review all contents sent for Rehearing.

In Petition for Rehearing pg. 11,re Judge's Order of 11/3/89, A-16-18 .

> "...Appellant feels this is unfair to her and very unwarranted because although she had reservations that three lawyers in the firm could not find their client (Mr.Barrousse always found him) she accepted their word in good faith and cooperated because while their client was ignoring the Magistrate's Court Order, as Mr.Flowers admitted-appellant was not able to prepare pre-trial order without the answers to interrogatories

> and she was waiting on answers to interrogatories, production prior to arranging counsels' meeting. (She has timely prepared joint court orders in other cases in Western Dist.) Most importantly as shown at A8, and contrary to the Court's reasons for invoking sanctions against her she filed motions on Oct.25,requesting permission for Telephonic Conference and to Inform the Court, on the 26th Oct.she filed a Motion to Inform the Court and for Continuance in view of New Information..."

Facts show that appellant also informed Chief Judge Tom Stagg and the Fifth Circuit and included copy of her Motion to Inform the Court in View of (More) New Infor. which she filed on 12/11/89, for Ruling on her Motion for Reconsideration previously filed and for delay of the phone conference ordered for12/13/89 until after defendant complied with order by Magistrate of 10/16/89 in which she informed Judge Walter: A-181-191

"that Defendant Gibson was indeed in Lafayette where he was supposed to be; listed in phone directory at 212 Aspen TR, 318 235 9046, that he was ignoring Court's Order to Respond since 10/16/89 and that his new lawyers were using delay tactics to plaintiff's detriment.."

Appellant also informed the above higher Courts that her motions had not been heard; She informed that a very brief phone conference was held on 12/12/89 as ordered by the Judge between Mr.Rausch, Judge Walter and appellant and that she has never seen either; She informed the Fifth Cir.and Judge Stagg that:

"..the conference was very brief,appellant told the Judge that she would like to have Mr.Gibson comply with the Magistrate's order for answers and production, and that Gibson was in Lafayette where he was listed in phone directory at 212 Aspen TR, 318 235 9046....The Judge responded that if they could find him he was to answer, and apparently does not believe anything appellant says even when she offers proof..kept record of what she said in view of 1985 phone conference.."

Appellant informed the review Courts that"Mr. Gibson did provide some evasive answers sometime afterwards but for the most part they are meaningless in her opinion, they are not underoath as required and appellant is barred from further filings by the Court's Order. The case against Gibson only was set for trial on 9/10/90."

Not being able to obtain responsive answers underoath as ordered by Magistrate Simon, being barred from further filings with facts in record to show that Judge Walter punished appellant because Gibson ignored the Magistrate's order after ignoring her undeniable efforts in record to comply with the scheduling order, and in view of past undue discrimination, appellant filed Motion for Recusal A-192/ 216 with attachments which was sent to Judge Stagg. As shown at A-/ 217 Mr.Rausch filed a brief one pg.,one para. opposition saying it was devoid of merit without addressing issues

for which appellant presented proof. Appellant filed an opposition with attachments 1-16,and after Judge Stagg denied her motion with minute order and frightening warnings, appellant filed Motion to Withhold Final Ruling of 4/23/90 reprinted at A-222/226, in which she asked to "be copied prior to final ruling with any other materials made available to the Courts in subject and related cases by anyone, including any orders or proposed orders, attachments,etc.which were not made available to her,and that final ruling be withheld until after she has had an opportunity to obtain discovery in related areas from people with interest in subject and related cases in that too would very much reflect on Motion for Recusal. This was important,i.e.,Def.E.J.Faul with his history of addiction and attaching

her property and Mr.Brandt who denied she is married in 1989 were trying to have her treated for mental problems she does not have in West.Dist.,ignoring marital and all rights,and she was not able to obtain a copy of "proposed order" nor other information furnished the Judge." Appellant informed Fifth Cir. of the above, that Judge Stagg had denied her Motion to Withhold Final Ruling until she was copied with information denied to her and she further informed:

> "Appellant has been undergoing tortures in her home recently,e.g. waking up with injuries,bleeding from an eye,chest pain at the area where she had the prior heart injury,prominent septal depolarization."

Appellant informed the Fifth Cir.that after she paid filing fee and filed Notice of Appeal, Mr.Rausch filed a motion to dismiss Notice of Appeal before Judge Stagg. After appellant objected to such improper filing, as reprinted at A-218 Mr. Rausch then filed Motion to Dismiss Notice of Appeal before Fifth Cir.No.90 4303 although Fifth Cir.No. is 90-4393. The Fifth Cir. granted Mr.Rausch's Motion to Dismiss Appeal, when infact he had filed to Dismiss Notice of Appeal, and to appellant' knowledge did not respond to the impressive proven facts she submitted.

In her Petition for Rehearing to be heard en banc she informed Court:

> "An important point is that Judge Gee ruled in subject case and in 86-4355 against the estate of Dep. Bearb where there were unconscionable denials of due process prior to rulings,and this is also very true in 87-4692,Benson vs.Lois F. Bearb,et al.Appellant feels that he too should consider recusal..."

In her Petition for Rehearing (en banc) requested, she informed Fifth Cir."that Judge Stagg has overlooked the fact that when appellant could not attend hearing on her discovery motions for good cause on 6/17/88, Judge Walters although notified,granted Mr.Brandt's sudden motion to Dismiss and recommended sanctions against appellant and did not consider her discovery motions,just like he did not consider her motions after she informed that Gibson was in Lafayette, listed in directory but three lawyers could not find him for months! The Judge's response to Gibson ignoring Court Order after he had been informed by appellant that he was in Lafayette was "if they can find him" and appellant was punished for their delay,and she is prohibited from filings to pursue her rights and name the other defendants et al,the Judge dismissed without which she cannot obtain fairness."

Appellant further informed for Re-

hearing:

"Appellant feels that Chief Judge Stagg has ignored the above documented proof that Judge Walters has been mislead and prejudiced,and that he does not hear her Motions, inspite of repeated revelations that she was telling the truth and opposition was not, and he has not enforced her rights to be copied prior to rulings in Western Dist.for years while the lawyers are being protected,as are the defendants inspite of many years of secret processes and abuses,while appellant is being punished,tortured denied due process again,and discrimininated against-treated differently.."

Reasons Writ Should be Granted:
(In Brief)

Fifth Cir.failed to consider appellant's Petition en banc as requested;

Fifth Cir.granted appellee's motion to dismiss appeal A-6 after appellee filed to dismiss Notice of Appeal;

Two of the Fifth Cir.Judges who ruled in this case had failed to enforce appellant's rights to be copied and heard prior to rulings in Western Dist.of La.re misrepresentations which had been filed without copying her in cases which subject case derived from;violation A.R.C.P;

Fifth Cir.and Chief Judge Stagg failed to enforce her rights to be copied with information not made available to her in subject case; violation of A.R.C.P; and F.R.C.P.;

Chief Judge Tom Stagg of Western Dist failed to enforce appellant's rights to be copied with misrepresentations filed prior to rulings and summary judgments, including in subject case, (and which bears very much on subject case since fraudulent scheme pleaded in subject case derived and can be proved from misrepresentations, etc. in prior cases), all of which happened under his watch, and it was obvious from filings that this pro se out-of-state appellant was not copied plus the fact that she had written the Clerk with money for any information not made available;

Review Judges have ignored that Judge Walter does not hear her motions.

The above review Judges have shown that they too have been prejudiced, biased and have shown undue discrimination by ignoring fact that appellant is unable to obtain a fair trial before an unbiased Judge(with non-jury trial)before Judge Walter because Judge Walter has been prejudiced, mislead and is extremely biased, has shown undue discrimination as above shown and as follows in brief:

Judge Walter punished appellant because appellee Gibson was ignoring Magistrate Simon's order for months compelling discovery re the phony 1985 damaging "Gibson affidavit which damaging information Gibson denied in July 1988 affidavit;

Judge Walter ignored motion for reconsideration even after appellant

informed him that she had located Gibson who was where he was supposed to be in Lafayette and that his new lawyers were using delay tactics to her detriment--Judge is prejudiced to sad extent that he does not believe appellant even with proof presented;

Judge Walter ignored facts above shown and in appendix which shows appellant did everything she could to try to comply with scheduling order (and unlike the order invoking sanctions prohibiting further filings state, appellant did file two different motions for leave to extend deadlines and to inform the Court as soon as she was given an opposing counsel's name but the Court did not consider either motion; said one was moot and ignored the other; he also ignored that she did not have an opposing counsel to confer with in any

way re appellee Gibson because he entered the fourth counsel of record on the same day that he invoked sanctions against appellant!

Even after appellant verified to the Judge that Gibson was where he was supposed to be--that he was ignoring Court's discovery order and it was obvious that the three new lawyers in firm were using delay tactics instead of producing their client to comply with Court order, the Judge simply said "if they can find him" when appellant asked that Gibson comply with Court order after he had already invoked sanctions against appellant because Gibson ignored order;!

but facts show that when appellant was not able to attend her oral discovery hearing because of husband's surgery, although she notified the Judge timely, he did not consider her

discovery motions, he granted other defendants' sudden motion for dismissal which appellant did not know would be heard and he suggested sanctions against appellant because she did not comply with Order to go to Faul's hand-picked La. psych in view of Faul's threats during estate matters that he knew a Lafayette doctor who would help him railroad her if she came to Lafayette. (See Fauls' plans A-81-83 and he has attached appellant's property since obtaining summary judgment without discovery in subject case.) See affidavits A-90,100-110.

When Judge first granted other defendant Faul's motion for appellant's mental evaluation, she had pending motion to compel answers to interrogatories but Judge granted the motion for mental evaluation instead <u>without</u> oral argument in case for fraudulent

scheme which she pleaded-opposition had not provided affidavits or statements in support of mental evaluation in subject case initially (had been denied,fined and warned in related cases); however when appellant filed a motion to evaluate her brother and to compel answers, oral hearing was set and at no time were her motions considered--no discovery--neither was her motion to evaluate Dep.Bearb ever considered in Western Dist.and he had placed his mental and physical health in controversy in phony counterclaim-thus, women are treated differently, and boys do not have to answer for their record or actions! A-100-110; 122-139.

Judge made prejudicial statement to show he had formed an opinion about case and distorted the facts A-64-67 Sr. Judge Putman voluntarily recused himself in Sibille case--had opinion A-194.

Judge distorted facts pleaded in favor of defendants and refused to make corrections in his memo ruling-misrepresented unsworn statements at time Ally relied on them as affidavits in 1986 ruling and misrepresented Gibson 1985 damaging affidavit as unsworn in 1989 ruling; misrepresented that other Court had ordered mental evaluation A-24 when opposite was true as pleaded; A-111-118 .

Appellant is not notified prior to hearing Mr.Flowers wrote about;

Appellant not able to learn what was made available to the Court;

The Court distorts the provable facts and does not hear her motions:

a) Judge did not consider her motions to compel answers to interrogatories inspite of yrs.of secret processes-"affidavits" denied yrs. ago never subjected to cross and previously rejected by West.Dist;

b) Judge ignored her motions to evaluate her brother, affidavit;

c) Judge did not consider her motion to be copied with any information not given to her,including "proposed order"while appellant did not know of misrepresentations filed as stated;

d) Judge did not consider her motion for extension and to inform the Court filed on 10/25/89 and ignored motion to further inform and for extension filed on 10/26/89 as soon as she was able to contact a counsel for Gibson; prejudiced

e) Judge ignored appellant's motion of 12/11/89 for reconsideration-new information-Gibson was where he was supposed to be.

f) Judge Walter ordered A-23 appellant not to communicate with him when she tried to rebut opposing counsel's letter,etc.to him with distortions but allowed opposing counsel to continue.

g) order at A-16-18 punishing me for not meeting face to face with opposing counsels and for not timely seeking leave,but his S.O.at A-19-22 shows I did what he allowed, plus I did timely seek leave in view of not having an opposing,etc. counsel; see A-141-168.

h) My position is that S.O.,A-22 is unconstitutional re the confidential "fact and law",contentions, evidence is not evidence until copied,rebutted and cross examined; facts show was greatly harmed by this in other related cases;this Judge does not believe truth from me.He let Gibson ignore order A-11-and rules in it and F.R.C.P.,etc.; Judge wanted to impose improper R-11 sanctions on me A-64-67;See A-72-74

ARGUMENT AND AUTHORITIES

The facts appellant presented show that Judge Walter has been mislead and prejudiced to such a degree that there is no way appellant can obtain her rights to a fair trial before an unbaised Judge in a trial without jury. The facts show a pattern of undue discrimination for several years and the Judge is in a position to have to protect the prior mistakes he was led into and further compounding the years of horror in appellant's life as opposed to discovery for years of abuses and secret processes. The way that the Judge defended Gibson ignoring court order (and his lawyers) shows that the Judge is protecting his prior decisions re the other dismissed appellees before appellant knew of important related misrepresentatios filed, all discovery denied. Appellee Gibson, (Judge's orders are inconsistent A-16-22.)

the only remaining defendant, is hardly the only one involved and the dismissed defendants would be free to testify against appellant-proving that years of abuses and unconstitutional secret processes is profitable!

In the Xerox Corp (1988) case with two New York families Judge Fritsch's opinion ruling resulting in:

> "Wrongdoers who want to cover their tracks will have to think twice..before...hiding vital facts from public view."

In 1990, the Texas Supreme Court ruled that such disclosure laws must be obeyed,including re undisclosed orders. In this case Chief Judge Tom Stagg of Western Dist.of La. and two Fifth Cir.Judges who are denying her rights in this case,have to protect their prior failures to protect appellant's rights to be copied with misrepresentations prior to rulings, ignoring A.R.C.P; F.R.C.P., US laws.

Immediately upon receipt of her Petition for Rehearing to be heard en-banc, the 3-Judge panel denied the petition (inspite of her request for recusal considerations) and returned the boxes of copies.In AGD II,893 F.2d 349 D.C.Cir.1990,stay was granted to appeal failure to consider en banc to S. C.59 U.S.L.W. 3017(US 6/21/90;89-2016).

Conclusion:

The lower Courts are in violation of the anti-discrimination laws,including the 1990 law barring discrimination against the handicapped. Appellant has a physical handicap;not a mental handicap-see A-86.Without regard for law and for greed,opposition made her to appear to be perceived to be mentally handicapped resulting in appellant being treated differently,discriminated against and scandals in the courts.For above reasons she prays Writ is granted.

Sept.7,1990

Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

APPENDIX

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

July 19, 1990

Gilbert F.Ganucheau
Clerk

TEL.504-589-6514
600 Camp Street
New Orleans,La.
70130

Louella F.Benson
6432 Montrose Street
Alexandria, VA. 22312

No.90-4393 Louella F.Benson v.
Glenn A.Ally, Et al

Dear Ms.Benson:

In light of this Court's order of June 26, 1990 having been issued as and for the mandate in the above cause, this is to advise that your motion and notice for stay of mandate pending application for certiorari is being returned unfiled with the advice that it is not a prerequisite to stay the mandate for the filing of an application for writ of certiorari to the United States Supreme Court.

Pursuant to Rule 13 of the Supreme Court, a petition for writ of certiorari is due for filing within 90 days after entry of this Court's final judgment. Accordingly, in light of this Court's order entered on June 26, 1990 having been entered on July 12, 1990 your petition for writ of certiorari is due for filing within 90 days from that date, or, by not later than October 10,1990.

Also, I am returning your check number 929 in the amount of $110 with the advice that there are no outstanding cost to be paid in the above appeal.

Very truly yours,
GILBERT F.GANUCHEAU, Clerk

By:(signed Barry W. Stiebing)
Chief Judicial Support Division

BWS:msd
cc: Mr. Charles Brandt,Esq.
Mr. Joseph Rausch, Esq.

Enclosures

A-3

IN THE

UNITED STATES COURT OF APPEALS

FIFTH CIRCUIT

NO. 90-4393

Louella F.Benson, appellant

vs.

GLENN A. ALLY,et al,

appellees

U.S.Court of Appeals
Received Jul 18,1990
New Orleans, La.

Motion and Notice for Stay of Mandate
Pending application for certiorari

NOW comes appellant Louella F.Benson,pro se, and respectfully seeks Stay of Mandate Pending application for certiorari to the United States Supreme Court in the above mentioned case re the Court's ruling entered on July 12, 1990 attached by the Honorable Judges Gee, Smith and Weiner of appellant's appeal filed enbanc on July 10, 1990.

This filing is also to serve as

Notice to all parties as required by ARCP No. 41. A check for $110.00 is enclosed;.....Appellant is obligated to try to appeal in view of the extraordinary horrors documented in her appeal and attachments and the unconscionable position she has been placed under in violation of her rights, including anti-discrimination laws by the Congress of the United States and laws that lawyers have to observe and due process rights, the Federal and State Constitutions,etc.

Respectfully submitted,
(signed) Louella F. Benson, pro se

I certify that a copy of the foregoing is being sent to the following 7/17/90:

Joseph Rausch,Esq.
Stassi,Rausch & Giorando
1150 Lakeway Two
Metairie,La.70002

Charles Brandt
300 B Stewart St.
Lafayette,La.
70501

(signed) Louella F.Benson

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

U.S.Court of Appeals
FILED
Jul 12 1990
Gilbert F.Ganucheau

NO. 90-4393

LOUELLA F.BENSON,
Plaintiff-Appellant,

versus

GLENN A.ALLY,ET AL.,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of La.

Before GEE, SMITH and WEINER,
Circuit Judges.

B Y T H E C O U R T:

IT IS ORDERED that the motion of appellant for reconsideration of the Court's Order entered June 26, 1990, is DENIED.

JS 7-10-90 JW 7-11-90 TG 7/11/90

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 90-4393

U.S.Court of Appeals
FILED
Jun 26 1990
Gilbert F. Ganucheau

LOUELLA F.BENSON,
Plaintiff-Appellant,

versus

GLENN A.ALLY,ET AL.,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of Louisiana.

Before GEE, SMITH, and WIENER, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the motion of appellee to dismiss the appeal is GRANTED.

Initialed TG 6/19/90 ; JS 6-18-90
JW 6/23/90

MINUTE ENTRY

May 12, 1990

CHIEF JUDGE TOM STAGG

U.S. District Court
Western District of La.
FILED May 14, 1990
Robert H. Shemwell, Clerk
By BSS Deputy

LAFAYETTE/OPELOUSAS DIVISION

LOUELLA F.BENSON

versus

GLENN A.ALLY et al

CIVIL ACTION No. 86-0489

****

Plaintiff's pro se "Motion to Withhold Final Ruling" regarding her motion to recuse Judge Walter is DENIED.

Plaintiff is admonished to refrain from filing frivolous pleadings.

Initiated TS

COPY SENT DATE 5/15/90
BY BG
TO: Benson
Brandt
Rausch

MINUTE ENTRY

April 23, 1990

CHIEF JUDGE TOM STAGG

U.S.Distrcit Court
Western District of La.
Filed Apr 23 1990
Robert H.Shemwell,Clerk
By BSS Deputy

SHREVEPORT DIVISION

LOUELLA F.BENSON

versus CIVIL ACTION NO.86-0489

GLENN A.ALLY ET AL

****

Presently before the court is a motion to recuse Judge Donald E. Walter in the above-captioned matter, alleging that Judge Walter has been "misled and prejudiced for a long time, making due process and objectivity impossible,and plaintiff is being further harmed." Motion for Recusal at 1. The motion has no merit whatsoever.

There are two statutes governing the recusal of federal district judges: 28 U.S.C. §§ 144 and 455. Both statutes are based on a notion that a fair

trial before an unbiased judge is a requirement of due process. United States v. Will, 101 S.Ct.471,481(1980). Plaintiff's motion fits neither of these statutes, as no facts are presented which could lead one to believe that Judge Walter is prejudiced against plaintiff. Plaintiff must allege more than a "potential bias," but must allege facts which support the contention that an actual and present bias exists. United States v. Miranne,688 F.2d 980, 985 (5th Cir.1982). The record reveals no actual bias. Accordingly, plaintiffs motion to recuse Judge Walter is DENIED.

As mentioned,the instant motion is completely frivolous, and was filed

without making a reasonable inquiry into the facts or law governing this case. Pursuant to Fed.R.Civ.P. 11, plaintiff is hereby admonished to avoid such filings in the future. Failure to abide by the court's warning will result in the imposition of severe sanctions, including monetary penalties. No further warnings will be given.

Initialed TS

COPY SENT

DATE 4/24/90

BY BSS

TO Benson
Brandt
Rausch
Judge Walter

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F.BENSON, Plaintiff — CIVIL ACTION

VERSUS — No.CV86-0489-L

GLENN A.ALLY,ET AL — JUDGE WALTER
MAGISTRATE SIMON

Defendants

U.S.DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
F I L E D
OCT 16 1989
Robert H. Shemwell, Clerk
By: Mll
Deputy

MEMORANDUM ORDER

On September 28, 1989, the plaintiff herein, Louella F.Benson,filed a motion to compel the defendant,William C.Gibson to answer interrogatories which Benson propounded through Gibson's then attorney of record, Michael J.Laughlin, on August 19, 1989. A copy of a return receipt has been submitted by the plaintiff which shows that Laughlin received

the interrogatories and request for production on August 21, 1989.

Other materials submitted by the plaintiff with her motion show that she wrote to Mr.Laughlin to confirm a phone conversation she had with him of September 14,1989,in which Laughlin indicated that he or another member of his firm would send answers to the interrogatories soon after that date,but her motion indicates that she had not received the promised answers by September 27, 1989,the date she certifies that she mailed her motion to compel to Mr.Gibson's attorneys.

The ten day time limit for responding to Benson's motion (per Local Rule 2.07 M&W) has expired, but no response to the motion has been received by the

Clerk of Court. Since a pretrial conference in this case is scheduled to be held on November 3, 1989, with trial set for the week of December 4,1989, I will decide Benson's motion without further delay.

Rule 33 of the Federal Rules of Civil Procedure provides that a party upon whom interrogatories have been served shall serve a copy of the answers, and objections if any, within thirty (30) days after service of the interrogatories. Since Gibson's attorney received the interrogatories on August 21, 1989,responses should have been served by September 20, 1989. To the knowledge of the Court,neither answers nor any objections have been filed by Gibson to this date.

Considering that Gibson's attorney appears to have promised to have answers to the plaintiff shortly after September 14,1989, and that no response has been made to Benson's motion to compel,

IT IS ORDERED that defendant William C.Gibson,no later than Tuesday,October 31,1989, answer the interrogatories and properly respond to the request for production which were sent to him by the plaintiff, Louella F.Benson,through his attorney of record,on August 19,1989.

Alexandria,Louisiana, this 16th day of October, 1989.

signed John F. Simon
United States Magistrate

Copy sent
Date 10-16-89
By Mll
To: Benson
Brandt
Laughlin
Walter

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
STATE OF LOUISIANA

LOUELLA F.BENSON	CIVIL ACTION
VERSUS	NO.CV86-0489-L
GLENN A. ALLY,ET AL	JUDGE WALTER MAGISTRATE SIMON

U.S.DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
F I L E D
NOV 3 - 1989
ROBERT F.SHEMWELL,CLERK
BY dd
Deputy

O R D E R

IT IS ORDERED, ADJUDGED AND DECREED that Joseph W.Rausch ~~and John R.Flowers,Jr.~~ of the Firm of Stassi,Rausch & Giordano be, and they are hereby allowed to be substituted as counsel of record for defendants,withdrawing Michael J.Laughlin as counsel for defendants in the captioned matter.

Monroe
~~ALEXANDRIA~~, LOUISIANA, this 2 day of Nov, 1989.

signed Donald E.Walter
U.S.

copy sent:
date: 11/3/89
By dd
To: Benson,Brandt,Laughlin/Rausch

MINUTE ENTRY

WALTER, J.

October 31, 1989

LOUELLA F.BENSON

versus CIVIL ACTION NO.86-0489

GLENN A. ALLY,ET AL.

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
F I L E D
NOV 3-1989
ROBERT H.SHEMWELL,CLERK
By dd
deputy

* * *

On May 10,1989,a Scheduling Crder was mailed by the Clerk of Court to Counsel for all parties in this actim. The Crder specifically stated that a pretrial conference was schedule on Friday,November 3,1989, at 9:00 A.M. with a trial to be conducted the week of December 4, 1989. Attached to the Scheduling Order was a copy of this Court's Standng Pretrial Instructions.

These instructions require counsel for plaintiff to initiate a face-to-face meeting with opposing counsel, for the purpose of drafting a joint Pretrial Order. According to these instructions, the Pretrial Order was due October 30, 1989. Plaintiff has failed to submit a joint Pretrial Order. Neither party has timely contacted this Court to request an extension on the deadlines in the Order. Failure to comply with the Court's Standing Pretrial Instructions constitutes a violation of Rule 16, Federal Rules of Civil Procedure. In accordance with the sanctions contained in Rule 37, F.R.C.P., and made applicable to Rule 16, this case is REMOVED from the pretrial and trial dockets, and further proceedings in this case are STAYED.

*/ See A-20 **/ See A-148-176

The parties are hereby ordered to file a pretrial order within 90 days in accordance with this Court's standing Pretrial Instructions. Failure to comply with the requirements imposed by this Minute Entry will result in automatic dismissal.

Therefore, plaintiff's motion to inform the Court and to request permission for telephone appearance at the pretrial conference and motion to inform the Court and for continuance in view of new information are Moot.

Initialed DEW

Copy sent:
Date 11/3/89
By dd
To: Benson
Brandt
Laughlin/Rausch

Note to Inform: Judge Walter later issued an order not to file a pretrial order.

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

CASE NO: 6:86CV00489 JUDGE WALTER

TITLE: BENSON V ALLY MAG METHVIN

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
F I L E D
MAY 10 1989
ROBERT H. SHEMWELL, CLERK
BY SJD
Deputy

SCHEDULING ORDER

A status conference may be scheduled upon request to the Court.

In accordance with Rule 16(b) of the F.R. of C.P., it is ordered that:.....

C. Discovery must be completed and all motions to compel discovery must be filed on or before 10/04/89.

D. A pretrial conference will be held at 9:00 am on 11/03/89 in Monroe, Louisiana. (See attached Standing Pretrial Order regarding pretrial stipulations).

E. Trial is set for the week of 12/04/89 at 9:00 A.M. in Lafayette, Louisiana....

STANDING PRETRIAL INSTRUCTIONS
JUDGE DONALD E. WALTER

".....THE COMPLETION OF THE PRE-TRIAL ORDER IS MANDATORY IN ALL CASES."

".....Not later than ten (10) days prior to the deadline for lodging the pre-trial order, all trial counsel shall confer to prepare the proposed written pretrial order. The Court prefers that such conference occur in person, but should a face -to-face conference not be feasible or practical, parties may confer by telephone. In no instance shall such conference occur only by exchange of documents by mail or otherwise. Although it shall be the duty of plaintiff to arrange the conference, each attorney shall be completely familiar with all aspects of the case in advance of the conference and shall

(underscore added)

be prepared to enter into stipulations with reference to as many facts and issues and exhibits as possible. IT IS THE DUTY OF ALL COUNSEL TO NOTIFY THE COURT IN WRITING IF, AFTER REASONABLE EFFORTS, ANY PARTY CANNOT OBTAIN THE CO-OPERATION OF OTHER COUNSEL."

".....A. It is the policy of this Court that all trial counsel attend the pre-trial conference. Nonetheless, if personal appearance will cause undue hardship, counsel, may request in writing, appearance by telephone.."(underscore mine).

"...A. In non-jury trials, the parties shall deliver to the Judge's office proposed findings of fact and conclusions of law no later than one calendar week before trial. The proposed findings of fact shall contain concise statements

of material fact,with parenthetical reference to the evidentiary source of that fact. The proposed conclusions of law shall contain full citation of authority for each proposition of law in the chain of reasoning supporting the party's ultimate conclusions. (Fifth Circuit authority shall be cited,if available.) Such proposals need not be exchanged between parties and will remain confidential with the Court....."

" Sanctions for failure to comply with the orders of this court are contained in Fed R.Civ.P 16(f) and 37(b)(2)-(B),(C) and (D)...The Pretrial Ordermust be filed with the Clerk of Court and a copy must be received in the Judge's office(P.O. Drawer 3107,Monroe,La.71210) by 5:00 P.M.on the Monday preceding the scheduled pretrial conference...."
signed Donald E. Walter

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

June 19, 1986

Donald E.Walter 201 Jackson St.Room 201
District Judge Phone 318 322 6230
United States Courthouse
Monroe, La. 71210 FTS 493 6523

Re: Louella Benson v.Glenn Alley, et al., No.CV86-0489.

Dear Ms. Benson:

This office does not accept unsolicited correspondence or filings in cases pending in this Court. In the future,please direct all such filings to the Clerk's Office in Shreveport. This office will accept no further unsolicited mail concerning this matter.

Sincerely yours,

signed Donald E.Walter

DEW:ja
Enclosures

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F.BENSON C.A.No.86-0489
VS.
GLENN A.ALLY,PH.D.,ET AL

U.S. District Court
WESTERN DISTRICT OF LOUISIANA
F I L E D
JUN 30 1986 - SECTION "L"
Robert H.Shemwell, Clerk
By Sm
Deputy

MOTION FOR CORRECTION OF THE MEMO RULING AND ORDER FILED WITH CLERK ON MAY 9, 1986

NOW comes plaintiff,Louella F.Benson,pro se and states as follows in support of this motion.

1. On May 7, 1986,the Court ruled on defendants'motions to strike and for a more definite statement and to compel compliance with Rule 10(b) of plaintiff's complaint in the above mentioned case. The first page of the Memo Ruling

filed May 9,1986 states:

> "The other defendants allegedly hired Dr.Ally to perform a court ordered psychological examination of plaintiff,that he allegedly did an evaluation based on affidavits. Plaintiff apparently seeks damages,an injunction and to have her medical record expunged of the "false" evaluation."

2. Upon receipt of this Memo ruling ' Judge's order,plaintiff called the law clerk in Monroe,referred to her pleadings, and pointed out that the "affidavits" of E.J.Faul and other defendants who were trying to throw her in the psychiatric net, were not sworn to before two weeks after Dr.Ally's report,and that thus they were not valid affidavits which is a crucial issue in plaintiff's complaint along with the fact that Dr.Ally has never seen nor talked with this plaintiff and he made

the diagnosis in violation of required "accepted clinical procedures", and the defendants in CV84-2540 and 2541 tried to use this false diagnosis (inspite of their prior knowledge that plaintiff had volunteered for objective scientific tests and evaluation which proved that she does not have the problems and that no treatments were recommended by doctors who fully evaluated and tested her) in their fradulent scheme to take unfair advantage of plaintiff in business dealings concerning estate property. Dr.Ally wrote his report based upon the "sworn statements"! Also,re the statement "to have her medical record expunged of the "false" evaluation. Dr.Ally has never seen this plaintiff so his report is not,and should

not be called her medical records. (The report was obtained by the defendants in estate suit after conspiring and soliciting affidavits from others whom plaintiff had not seen in years,who had previously denied affidavits, and/or from two of the adult children of the defendants whom she had not seen in years with malicious false information to help their parents in their scheme to take over plaintiff's property which is ongoing as proven by copy of Stipulation Order in CV84-2541, signed by their counsel and previously made available to the Court.The actions of the defendants were done maliciously and in bad faith in efforts to again try to deny plaintiff due process and much to her detriment and in efforts to cover-up

their actions and for self gain. The fact that these defendants waited until plaintiff purchased property in view of their agreements and took losses because she thought they were sincere,and that they suddenly came up with "affidavits"after not having been around her for years, (and that their agreements were efforts to trick plaintiff into signing the partition in view of their subsequent actions and present efforts to get the property),speaks loudly as to their motives and intent in this case,as applied to the defendants in estate cases and those whom they solicited and conspired with to aid them. A-128

Another point in plaintiff's pleading is that since she can prove with scientific objective evidence

after volunteering for tests that she does not have the mental problems and that no treatments were recommended by the doctors who fully evaluated and tested her,that she is justified in saying the diagnosis made by Dr.Ally is false but that Dr.Ally is not in a position to make such a diagnosis by having ignored the required accepted clinical procedures of his profession and without personal knowledge of this plaintiff,not to mention the evidence furnished that the defendants are trying to take her property to this date,record and rulings of the Court in estate cases re their requests for "mental evaluations"which have been forwarded to the Court, their delays and avoiding answers in estate suits as they are doing in this case.underscore added.

(Other defendant in this case was*/ - able to admit or deny.)Not to be ignored are the personal problems of some of the defendants who had to be treated for prescription drug addiction in the case of Izena Kidder and of alcohol addiction in the case of E.J.Faul and his additional 1985 confinement for making threats,and the circumstances and problems of his daughter Melody in 1977 when plaintiff last saw and helped her.The motives of the defendants and those they conspired with are documented in plaintiff's pleadings.The only sworn affidavit prior to Dr.Ally's report of 3/6/85 was that of Melody Faul's. See E.J.Faul's 1981 "plan", previously submitted. **/
(footnote added)

*/defendant William C.Gibson
**/defendant E.J.Faul-who attached plaintiff's property's daughter.

WHEREFORE, plaintiff prays that the corrections mentioned will be made and too that the orders reflect that plaintiff's case is alleging the actions of the defendants were not only to discredit her, but to discredit her to deny her due process in order that they can pursue their fraudulent scheme to take unfair advantage of plaintiff in business dealings concerning estate property. In view of the evidence in the estate cases which this Judge has not ruled on,and crucial issues in this case,plaintiff feels it is important to make these corrections.

Respectfully submitted,

signed: Louella F.Benson,pro se
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

I certify that a copy of the foregoing is being mailed via first class mail to Charles Brandt,counsel for defendants,at 300 B Stewart St.,Lafayette,La.70501,on this the 27th day of June 1986,and to Homer Barousse, Edwards Bldg.,P.O.Box 730,Crowley,La. 70527 0730.

signed: Louella F.Benson,prose

Written in Judge Walter's hand:

"Denied, no factual finding has been made by this Court."

signed Donald E. Walter
July 2, 1986

U.S.District Court
Western District of Louisiana
F I L E D
Jul 2 - 1986
Robert H.Shemwell, Clerk
by dd
deputy

Sent:
Date 7-2-86
By dd
To: Benson,Brandt,Barousse

EXCERPTS FROM PLAINTIFF'S COMPLAINT:

"4 That on March 6,1985,and continuing up to and including the date of filing of this complaint,the plaintiff Louella F.Benson,was and is a resident of the Commonwealth of Virginia."

"5. Said plaintiff was going about her business with her illing husband (cancer) and working as an administrative-secretary-bookkeeper,had lived away from her family for years and had earned her living,and she had never heard of,nor did she ever seek any services from Glenn A.Ally,Ph.D.,nor does she now,nor will she ever."

"6. Plaintiff requests that the Court enjoin Glenn A.Ally,Ph.D.from any involvments in the life of this plaintiff and that he be enjoined from using his authority upon plaintiff for any reason,and that his "report" be

expunged and that all of plaintiff's rights be respected. This plaintiff was not under the care or treatment of any mental health professional and can verify to the Court, if necessary, that none was needed. Since Dr.Ally ignored the requirements of his profession prior to making such a diagnosis,he did not bother to note that the "affidavits" were not sworn but stated that his diagnosis opinion was based on the sworn statements,and he ignored plaintiff's provable complaints,his diagnosis-opinion is negligent and in bad faith."

"7.That Glenn A. Ally,Ph.D.has never met,seen,or spoken with this plaintiff,but on March 6,1985,he published a report,"a long-distance label",that based upon sworn statements provided to him (which sworn statements for

the most part were sworn to on March 20,or 21,1985,and Glenn A. Ally,Ph.D's opinion and diagnosis was made and published on March 6, 1985),the plaintiff suffers from chronic psychological disorder. Glenn A.Ally,Ph.D.,without considering the motives and/or habits,or problems of the parties making such statements,or the validity of the statements,proceeded to label this plaintiff as delusional and paranoid,schizophrenia,paranoid type, which is one of the most serious diagnosis one can make in the mental area. The American Psychiatric Association's DSM,the bible of this profession,including psychologists, requires complete evaluation of the person,extensive testings,accepted clinical procedures,personal

knowledge of the person,and a three to six month period prior to making such a diagnosis."

"8. This plaintiff had filed prior suits for damages for obstructions of public and private drainages,etc., breach of contracts,general damages to plaintiff and damages to her property,and for false statements and civil rights violations, and did not place her health in controversy. After the Court denied the defendants' first motion for a mental evaluation of plaintiff in cases referred to, counsel for defendants and defendants obtained from Glenn A.Ally,Ph.D.,the March 6,1985 "report" as above-described which he published and which was circulated and used to discredit plaintiff.Dr.Glenn A.Ally's "report" was used to file a Renewed motion

for mental evaluation of plaintiff and which the Court again denied and fined the defendants for filing a frivilous motion. The Court said that "Federal court is not a forum designed for the convenience of embittered relatives to wage an unchecked battle of harrassment." The decision was affirmed on appeal."

"9. The "long-distance label" is defaming,discrediting,has caused plaintiff to suffer general damages of humiliation,embarrassment,harrassment and related damages and other damages to be specified upon trial of this action."

".....14.On March 20,1985,Lois F. Bearb published,signed and circulated an affidavit with false and hearsay statements re many years earlier and circulated it in efforts

to falsely portray plaintiff and place her in the "psychiatric net" in efforts to deny her due process and to try to justify their actions and scheme to take unfair advantage of plaintiff in business dealings concerning estate property.(After the Court denied the defendants' first motion for mental evaluation, Lois F.Bearb, et al, Forest Bearb maliciously and in bad faith to continue the scheme, solicited affidavits from E.J.Faul and Grace Izena Kidder (two of the other heirs who had previously joined Lois F.Bearb, et al in suing this plaintiff in estate matters,E.J.Faul et al vs. Louella F.Benson,et al,1983, CV89, 191-B) and from her own son Malcolm Bearb,and from the daughter of E.J. Faul,Melody Faul, and his wife at

that time Nellie C.Faul,and from Melvin Kidder,the husband of Grace Izena Kidder and from Acadia Parish former police deputy,William C.Gibson, to whom plaintiff had made a verbal telephone complaint only, re Forest Bearb in 1984,who was also a deputy in Acadia Parish,) and on March 25,1985,Lois F.Bearb et al,and Forest Bearb circulated all of the above to the Court along with Glenn A. Ally,Ph.D.'s "March 6, 1985" "report", and represented that "plaintiff does not have mental capacity to represent self",and that "plaintiff is suffering from schizophrenia paranoid type", "contention of defendants that the allegations which have been made by plaintiff are a direct and a consequential result of the mental condition of the

plaintiff and not the result of any activities by defendants".

"Plaintiff has represented herself successfully in a case where she was a victim of forgery and fraud."

"(The place as to where Lois F.Bearb published her affidavit was left blank as to the parish.)"

"15. On March 20, 1985,Izena Kidder did publish,sign and circulate an affidavit in La.with untrue statements,and years earlier-60's on,made false,secret representations re plaintiff and repeated this to others in La.,and had infact,denied plaintiff a sworn affidavit years earlier. As to place,the affidavit only shows that it was sworn to before Wade S. Faulb,La."

"16. On March 20,1985,Melvin Kidder did publish,sign and circulate an affidavit in La.with untrue

statements and hearsay re many years earlier and had infact denied plaintiff a sworn affidavit years earlier. (See Nos. 13 & 14 of Amendment to Original Complaint.)"

"17. On March 20,1985,Malcolm Bearb, at Lafayette,La.,did sign and publish an affidavit with untrue statements re this plaintiff re 1975. (See No.16 of Amendment to Original Complaint.)"

"18. On March 21,1985,E.J.Faul,did publish,sign and circulate an affidavit at Lafayette,La.,with untrue and hearsay statements concerning this plaintiff re years earlier,and on June 20, 1981, he did state that "he knew a doctor who would help him put plaintiff in an institution if she came to Lafayette", and that his estranged wife was working on making plaintiff a "book case", all during a long-

distance call from La.to Va.during estate matters which was the last conversation between plaintiff and E.J.Faul. During the last quarter of 1975,the last time plaintiff saw E.J.Faul which was in St.Landry Parish at the Faul estate, he stated that "what plaintiff said did not matter any more."

"19. On Feb.14,1985,Melody Faul did publish,sign and circulate affidavit with untrue statements re this plaintiff re 1977. The affidavit was signed in La.(See Nos.19 and 20 of Amendment to Original Complaint.)"

"20. Nellie C.Faul, did publish,sign and circulate, a statement with untruths and hearsay concerning this plaintiff and such statements were referring to years earlier. Her statement was not notarized,and the place and date were left off but the state-

ment was circulated with defendants Lois F.Bearb,et al and Forest Bearb's Renewed Motion for mental evaluation of this plaintiff on March 25,1985 and on appeal of May 2, and 3,1985."

"21. On March 20, 1985,William C.Gibson,did publish,sign and circulate affidavit with false and misleading statements re this plaintiff in relating a telephone complaint plaintiff had made to the Sheriff's office in 1984,re Forest Bearb while Mr.Gibson and Forest Bearb were both deputies,and after plaintiff sued Forest Bearb. Mr.Gibson has never seen plaintiff,and left off pertinent complaint plaintiff had made."

"22. On April 30,1985,Leslie Faul did publish and circulate an unsworn statement with untruths

concerning this plaintiff to the Judge in Opelousas who is ruling on the suits in estate matters for breach of contracts,obstructions and changing of drainages and etc. and a civil rights case."

"On May 2, and May 3, 1985,Lois F. Bearb again presented the false information mentioned in No.14 of this writing to the Judge in Opelousas, who is ruling on the above mentioned cases. This discrediting information was circulated to the Clerk's office in Shreveport,La.also,as well as to the Magistrate in Lafayette,La."

"All sorts of things flow from this diagnosis,it causes plaintiff to be treated differently,it impairs relationships, it effects the plaintiff's right to own property without unwarranted interventions, it

prevents a person from obtaining certain licenses,(Plaintiff had plans to obtain a license to practice law), it has made this plaintiff vunerable,and it prevents one from seeking political office at any level, a constitutional right which she would like to be able to consider in the future. Such a label discredits plaintiff in any undertaking and it is inconsistent with life,liberty and the pursuit of happiness and it violates the rights to privacy and to be left alone."

"26. Also, such a label makes one a candidate for research in certain areas and in the words of Dr.Jonas Robitscher,psychiatrist,lawyer and professor at Emory University and author of the "Powers of Psychiatry"

(1980), "Psychiatry has developed so many treatment methods that almost anything could be done in the name of therapy. A great many opportunities had developed for the abuse of psychiatric authority,but this was usually ignored..."

Dr.Robitscher writes "....the act of diagnosing places a person in an inferior position and threatens his job security,family relationships, and self-concept....."

"27. At pg.343 of the Powers of Psychiatry,Dr.Robitscher writes how the stigma of mental illness was used to impair Martha Mitchell's credibility when she was indeed telling the truth. A few years back Sen.Goldwater was harmed by psychiatrists who wrote opinions concerning his "mental stability"...without knowing the senator and he recovered damages.Organized

medicine condemned evaluation without personal examination.Donovan Ward,who was president of AMA,in an official statement for his organization said that "a physician can properly arrive at a medical opinion on the health of an individual only by following accepted clinical procedure,including personal examination of the patient." Dr. Robitscher was critical of "long-distance" labeling and Dr.Eugene Meyer,a psychiatrist,wrote a letter to the editor of the Washington Post a while back saying that such diagnosis cannot be made without evaluation of the person, plus certain tests. In Maryland a psychiatrist was sued a few years back for writing a report saying a gentleman was "mentally deranged";Md Court of Appeals ruled that it was litigable issue for a Jury...this plaintiff did not and is not placing her health in controvery."

6432 Montrose Street
Alexandria,Va.22312

May 6, 1986

Honorable Robert H.Shemwell
Clerk,U.S.District Court
106 Joe D.Waggonner Federal Bldg.
500 Fannin Street
Shreveport, La. 71101

Dear Sir:

Re: No.86-0489 Benson vs.
Glenn A.Ally,Ph.D.et al

The attached copy of a 1979 letter from Lois F.Bearb should have been attached to my rebuttal affidavit of Lois F.Bearb's 1985 affidavit in Exh.1,of my Opposition to mental evaluations of this date. It shows that there were no problems before I insisted on bidding on the improvements of my deceased parents. It also shows that her husband's heart problems were due to obstructed arteries,and prior to 1984. underscore added.

By copy of this letter I am asking counsel for the defendants to see that the defendants answer my interrogatories to defendants as per the rules of F.R.C.P.and within the 15 day period. While I oppose any psychiatric examinations for the valid reasons stated in my response,I would certainly answer interrogatories from the defendants or allow Mr. Brandt to take my deposition. (Interrogatories were mailed to counsel on April 19, 1986.)underscore added.

Sincerely yours,

signed: Louella F. Benson,prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

cc: Honorable Donald E.Walter w/atch.
Charles Brandt,Esq.w/attach.

Motion to Compel answers was mailed on May 29, 1986 in initial case.

6432 Montrose Street
Alexandria,Va.22312

May 7, 1986

Hon.Robert H.Shemwell,Clerk
U.S.Western District
106 Joe D.Waggonner Federal Bldg.
500 Fannin Street
Shreveport, Louisiana 71101

Dear Sir:

Re: Civil Action No.86-0489
Section L
Benson vs.Ally et al

" On my response and opposition to psychiatric examinations mailed May 6, I did not want to include the results of complete evaluations for several visits and results of psychological testings,(all of which I volunteered for in 1981,) to the Court only,without having permission to do so. It occurred to me today that I can put quotes on pertinet points since Dr.Jonas Robitscher, lawyer,psychiatrist,and professor at Emory University said that "this is

the kind of objective evidence that courts accept uncritically".

The tests revealed that "On the intelligence test,Mrs.Benson functions at the Bright Average level. On the Comprehensive subtest (a test relating to judgment) and Digit Span (a test relating to concentration),she scores at a Superior level." Both the tests and full evaluations revealed that I am "not psychotic" - "No psychosis" and this was also revealed in the Rorshach test which the doctor said "gets at unconscious phenomena and defenses would appear". Although under stress at the time, the doctor said that my work on the performance test "scored within the Average range."

The doctor said that depression was noted but that it was "situational depression", "not psychotic and not even neurotic depression" and no treatments were recommended. As to personality trait,the doctor found that she "is given to erudite and wordy explanations in her quest for doing things correctly", a doctor said he wishes all professionals had this trait,and that I have the potential to be a complex surgeon or an accountant.

It must be remembered that Ewell J.Faul has not seen me since 1975,(and for the most part I have not been around my family for years). These matters were only brought up and engineered by my family in their scheme because I had the money to purchase a part of my parents' estate with their consent and which they are trying to

get back. It must be remembered that Dr.Ally has never seen me or even talked with me and he had no right to make that diagnosis,after I filed a drainage and breach of contract suit. What my family has placed me through since 1981 is unconscionable. From the above-mentioned facts I can prove, they only stand to lose. I am entitled to my good name and to get these people out of my life. Why were "affidavits" not only not submitted,but denied years ago. What about Ewell J. Faul's problems and tract record.This too must be considered in view of efforts to "railroad" me for very selfish reasons.

Since the defendants have misrepresented to the Court-in efforts to

take advantage of me-that I am insane, and since I have scientific evidence that this is very untrue (and they knew it was untrue, I feel it is logical for me to tell the Court. See Stipulation letter of 2/21/86 for motives."

Sincerely,

Louella F.Benson, pro se

cc: Hon.Donald E. Walter underscore mine
Charles Brandt,Esq.

6432 Montrose Street
Alexandria, Va.22312

May 29, 1986

Honorable Robert H.Shemwell
Clerk,U.S.District Court
106 Joe D.Waggonner Federal Bldg.
500 Fannin Street
Shreveport,La. 71101

Dear Sir:

Re: No.86-0489
Benson vs.Glenn A.Ally,
Ph.D.et al
Interrogatories to defendants
mailed on 4/19/86

Enclosed for filing is the original and a copy of plaintiff's Motion to Compel defendants,Glenn A. Ally,Ph.D.,Lois F.Bearb,E.J.Faul and Izena Kidder to answer interrogatories. Please return the copy marked filed in the enclosed,stamped-self-addressed envelope.

As per the rules an forwarding a copy with attachments to the Judge in this case. Sincerely yours,

signed: Louella F.Benson,prose

cc: Hon.Donald E.Walter w/attachs.
Charles Brandt,Esq. w/attachs.

CV 86-0489 Sec L - Docket Sheet excerpt

4-30-86 36 -

37 MOTION (Faul) for Ptlf psychiatric exam.ref. to DEW on 5/2/86 (cd)

5-2/86 38 NOT of setting Motion #36-37 before DEW on 6/6/86 (cd)

39

5-8-86 Brief (P) in Opposition to #36-37 (cd)

40

5-9-86 LTF(P) tp RHS, re #39 (cd)

.....

6-2-86 45 Motion (P) to Compel Defts to Answer Interrogatories with attach (cd)

6-4-86 46 NOT of setting Motion,re #45 before MEM on 7/3/86 (cd)

6-2-86 47 ORDER, re #36-37, Deft's mtn GRANTED: if deft pays for ptlf's travel,exam be performed in Lafayette, La; otherwise,in Alexandria Va. (DEW/cd) NOE

underscore added

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S.DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

F I L E D
APR 28 1988

ROBERT H. SHEMWELL CLERK
BY SJD
deputy

C.A.Number
86-0489-L

LOUELLA F.BENSON

VS.

JUDGE WALTER

GLENN A.ALLY,PhD.,et al

MINUTE ENTRY

Pursuant to instructions of Honorable Donald E.Walter,the following moitons are set for oral argument on FRIDAY, JUNE 17,1988 at 1:00 P.M. in Monroe, Louisiana:

(1) Plaintiff's Motion for Ruling on Motion to Evaluate E.J.Faul;

(2) Plaintiff's Motion to Compel Answers to Interrogatories;

(3) Plaintiff's Motion to Evaluate E.J. Faul.

BY DIRECTION OF COURT

ROBERT H.SHEMWELL,CLERK OF CT.
By signed: Sandra J.Dean
Deputy Clerk

copy sent by sjd 4/29/88 to Benson,Brandt,Barousse,DEW Angie

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F.BENSON C.A.NO. 86-0489
VS. JUDGE D.E.WALTER
GLENN A.ALLY,PHD.,ET AL

ORDER

UPON consideration of plaintiffs Motion to Evaluate Defendant E.J.Faul, it would appear that plaintiff has shown good cause and her motion is granted.

IT IS ORDERED that this examination take place on the 26th day of May,1988 at 9:30 A.M.at the office of Dr.William F.Cloyd,1105 S.College Road,Lafayette,La.,and that E.J.Faul be subjected to a battery of psychological testings,including Rorschach test and that he make his complete history available to the professionals evaluating and testing him,..

including history of all confinements and/or treatments etc.

Upon defendant's complying with this order, plaintiff will reimburse the doctor for evaluations.

_____
DISTRICT JUDGE

note hand-written by Judge:
"returned unsigned see order notation in docket #132 DEW"

Copy sent:

Date 4/27/88
By dd

TO: Benson
Brandt
Barousse, Jr.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LOUELLA F.BENSON, C.A.CV86-0489
plaintiff
Vs. Sec. L-Judge Walter
Glenn A.Ally,PhD et al
defendants

O R D E R

UPON CONSIDERATION, it would appear that plaintiff has shown good cause and her motion to have the interrogatories answered is granted.

ORDERED ___day of _____,1988,

_____, La.

_____
UNITED STATES DISTRICT JUDGE

note handwritten by Judge:

"Returned unsigned set for oral argument 1:00 P.M.June 17,1988"

Copy sent:
Date 4/27/88
By dd
To Benson
Brandt
Barousse,Jr.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

LOUELLA F.BENSON
VS. plaintifff CV 86-0489 -Sec. L
GLENN ALLY ET AL Judge Walter
defendants

O R D E R

UPON CONSIDERATION of Plaintiff's Motion for Ruling on her Motion to evaluate Defendant E.J.Faul,it would appear that the plaintiff has shown good cause and her motion is granted. E.J.Faul will report to _____on_____ for complete mental evaluation and psychological testings.

CRDERED on this the___day of___, 1988, Monroe,La.

_____
UNITED STATES DISTRICT JUDGE
Donald E.Walter

Note handwritten by Judge:
"returned unsigned DEW
set for oral argument 1:00 June 17, 1988 DEW"

Copy sent: Date 4/27/88
By dd
To Benson,Brandt,Barousse,Jr.

Excerpts from docket sheet 86-0489-L

5/4/88:(should be 4/4/88--see A-____.)
132 Motion(P) to Evaluate E.J.Paul D, filed 10-20-86,referred.(om)

4/7-88
133 Motion(P) to Compel Answers to Interrogatories,referred.(om)Attch-X

4-8-88:
134 Motion(E.J.Paul,et al) for Psychiatric Examination and to Produce, referred. (om)

4-14-88:
137* ORDER; Ds'Motion for Mental Exam of Pltf.is GRANTED.ORDERED that this exam take place on 5-26-88 at 9:30 A.M.at the office of Dr.William P.Cloyd & that Louella F.Benson produce at that time all documents in her possession custody or control pertaining to previous psychiatric or psychological exams.Upon P's complying with this Order, defts.shall reimburse her with all reasonable travel expenses. (DEW/sjd) NOE/dd.

4-15-88:
138 RESPONSE (P) & Opposition to Ds' Motion for Psychiatric Exam & to Produce Records

underscore added

6432 Montrose Street
Alexandria, Va.22312

March 14, 1988

Certified -RRR P-558 044 909

Charles Brandt,Esq.
300 B Stewart St.
Lafayette, La.70501

Dear Mr. Brandt:

Re: Benson vs. Ally et al
CV86-0489

This letter is to request that you have the defendants answer the interrogatories propounded to them on April 19, 1986; seconds sets of June 10, June 11, 1986, July 17,1986, third set of interrogatories of Oct.8, 1986.

Please have the defendants answer all prior interrogatories propounded to them as soon as possible. If there are some questions which they say they do not understand,have them answer remaining interrogatories and I will try to clarify if necessary as to any they refuse to answer. VTY,

signed Louella F.Benson

JUNE 17, 1988

PROCEEDINGS:

The Court: Be seated,please. I am going to do 86-0489,Benson versus Faul,et al. Ms.Benson.Ms.Benson is she here. Mr. Brandt.

Mr.Brandt: Yes, Your Honor.

Court: Mr. Brandt.

Brandt: Sir?

Court: Have we cured all of the problems that the Fifth Cir?

Brandt: Yes,Your Honor,I believe we have.

Court: Yes, Let's go ahead and put this on the record.

Brandt: I have an affidavit I would like to file into the record in connection with these proceedings.

Court: Okay.Wait just one second. Would you, Charlie,call Louella Benson and see whether

she is here, she represents herself. I have left word on her recording machine what,twice. She has not returned my call. I was trying to let her do it by phone,but she doesn't return the call. I gather she is not responsive to your request for the mental examination.

Brandt: No, Your Honor.

Court: Not there, Okay. Let's see your affidavits, Sir. The Fifth Circuit, as I appreciate it,said that I was wrong in that we never specified who was to examine Louella Benson. But I believe my order did specify that, didn't it?

Brandt: Yes,Your Honor, it did.

Court: And they said I was wrong because I made no findings to justify the dismissal. I thought the record would speak for itself.underscore added.

Consistently,throughout the record Ms.Benson has shown an utter disregard for whatever the Court orders. She doesn't show up at anything.She doesn't show up at these hearings. She is in total disregard of the Court's orders. I see nothing to do except to enforce the sanctions of dismissal of the lawsuit. Mr.Brandt is there anything further?

Brandt: No, Your Honor. I feel like that pretty much covers it.

Court: Do you have an estimate of what this constant review of the same allegations over and over again is costing your client?

Brandt: An estimate would be around three thousand dollars.

Court: I think it's just ridiculous to continue. I am going to enter an order of dismissal. As to the

remaining defendants you represent, the four Pauls,B.R.Kidder,the two Kidders, Gibson and,well, there are two B.R.'s is that right?

Brandt: That's correct, your Honor.

Court: Dr. Ally has already been dismissed, as has.

Brandt: Paul Energy.

Court: Paul Energy? Is that correct?

Brandt: Yes, Your Honor.

Court: Your motion to dismiss as sanctioned is granted,Sir. Thank you.

Brandt: Thank you, Your Honor.

Court: Sorry to have made you come all the way from Crowley for that.

Brandt: That's quite all right.

Court: If you want to ask for Rule 11 sanctions, I will certainly entertain them.

Brandt: Thank you,Sir.

Court: You want to file this,Madam Clerk, in the record?

By: Richard Williams, Reporter
Sept. 7,1988

6432 Montrose Street
Alexandria, Va. 22312

June 12, 1988

Certified - RRR

U.S. District Court
Western Distirct of Louisiana
F I L E D
Jun 15, 1988
Robert H. Shemwell, Clerk

Honorable Robert H.Shemwell
Clerk,U.S.District Court
106 Joe D.Waggonner Federal Bldg.
500 Fannin Street
Shreveport, Louisiana 71101

Dear Mr.Shemwell:

Re: Benson vs. Ally et al
CV86-0489 - Monroe
Judge Walter

Enclosed is a check for $100.00. Please see that a transcript is made of any oral hearings which I believe are now scheduled for June 17,1988, at 1:00 p.m., before Judge Walter,in Monroe, La. Should there be an oral hearing on Defendants' Motion to dismiss,please see that a transcript is made of this hearing also. I will

remit any additional amount due promptly upon request of the reporter.

Please see that the Monroe office is timely informed so that arrangements can be made for a reporter. I am not allowed to communicate directly with Monroe. I am enclosing an extra copy for your convenience. Should time not allow a written communication between Shreveport and Monroe prior to June 17,I would appreciate you having an assistant clerk call the Monroe Office to make certain a reporter is present to cover the hearings. I will pay for call.

There is a possibility I may not be able to attend in view

of my husband's surgery. In any event, I stand on the filings which I have made in the record.(The filings include the attachments.)

The second copy enclosed is to be returned for my files after filing of this letter in the record. Thank you. A self-addressed stamped envelope is enclosed also.

Very truly yours,

signed: Louella F. Benson,prose
703 256 7595

Encls. as stated
cc: Charles Brandt, Esq.

P.S. Should I not be able to attend, would appreciate it if the Clerk would convey my apologies to the Judge with above-mentioned reason. Thank you very much.

Excerpts from Docket Sheet

6-15-88:

164 LETTER from Pltf.w/check in the amount of $100.for transcript to be made of oral arguments set for 6-17-88 & advising that she may not be able to attend hearing in view of her husband's surgery; check sent to Richard Williams by Troy. Troy advised Richard William to be present for oral arguments.

* * * *

Louella F.Benson's Rebuttal Affidavit (7/27/88,) of Phyllis Benoit:

"...Phyllis Benoit and her employer referred to in her affidavit are not known by me and I am not indebted to anyone....but she fails to state that I never made any appointments...I did not call Dr.Cloyd's offices because I have never sought his services and would ask that all my rights be respected.I am not a psychiatric patient."

"...Dr.Cloyd,and/or any other long-distance mental health personnel who I do not even know,other defendants,E.J.Faul,my brother with a history of alcoholic problem,and his counsel Charles Brandt,who helped him attach my property in La.for $100,000.in Sept.of 1987, cannot obtain undue money from me."

Quotes from Order of U.S.Magistrate Mildred Methvin's Order of 11/14/88:

"Applying these factors to plaintiff's complaint,I find that plaintiff's factual allegations are essentially accurate: Dr.Ally did,infact,prepare a psychological evaluation based upon affidavits and without personally examining plaintiff. He then submitted the report to defendants' attorney and the report ultimately became a public record after submission to the court. I find no Rule 11 violation on this basis." The Magistrate said:

> "It is reasonable that the legal difference between a hypothetical conclusion and one asserted in fact might be difficult to distinguish for one who lacked legal training. I find,therefore that no sanctions under Rule 11 are warranted on this basis."

"Benson stated in her opposition to Paul Energy's motion for summary judgment that at the time she filed

her complaint,she had reason to believe that E.J.Faul had incorporated and that he was the only Faul geologist in Lafayette(Tr.337). Faul Energy failed to respond to Benson's interrogatories seeking information as to whether it had any economic interest in the underlying disputes of the 1984 litigation,or economic ties with defendants'counsel and Dr.Ally.Faul Energy's motion was granted and it was dismissed from the suit.However,following remand from the Fifth Circuit,plaintiff sought to reinstate Faul Energy on the basis of E.J.Faul's deposition testimony during the prior case proceedings in which he admitted owning Faul Energy in 1984. Plaintiff's motion to reinstate Faul Energy was denied in an order issued as mandate from Fifth Cir.Court of Appls 6/14/88.

Applying the standards set forth in Thomas, supra, I find that

> Rule 11 sanctions based on plaintiff's naming Faul Energy as defendant are not warranted. Plaintiff's belief that E.J.Faul's actions could be attributed to Faul Energy was reasonable in light of the information that she had at the time of filing the complaint. She immediately propounded interrogatories to determine Faul Energy's involvement in the previous suit. The interrogatories were not answered...." underscore added.

The Magistrate said: "Applying the standards of Thomas to the facts of this case, I find that Rule 11 sanctions are not proper on the basis of plaintiff's conduct during discovery." "...In the present case, however, defendants specifically claim $400.00 in expenses incurred as a direct result of Benson's failure to attend scheduled appointments."

> "Dr.William P.Cloyd billed defendants this amount in cancellation charges...Benson could easily have eliminated this expense with a telephone call. I find that defendants are entitled to an award of $400.00 under Rule 11...It shall be made payable to Charles Brandt."

STATE OF VIRGINIA

COUNTY OF FAIRFAX

I am an administrative secretary bookkeeper and work with my husband of twelve yrs.,who is a professional in the above-mentioned state and county. This affidavit is underoath by affiant.

On June 17, 1988 oral hearings were to be held in CV86-0489 Western District of Louisiana--Opelousas-Lafayette Division,before the Honorable Donald E. Walter in Monroe,La., on my Motions to Compel the Defendants to Answer the Interrogatories (propounded to them since April 19,1986, in view of new developments,etc.filed with attachments,resubmitted in 1988, as shown per the attached Court orders and Minute Entry filed on 4/28/88.

I had plans to attend the oral hearings and had made reservations for 6/16/88 on Continental's #1253 into New Orleans,and on Royale #651 on 6/17/88 to depart for Monroe at 9:30 a.m. for the hearing at 1:00 p.m.on 6/17/88,and Cont.'s #1252 at 7:50 a.m. on 18th out of N.O.,into Washington National.

As I informed the Clerk via certified service on June 12,1988,my husband had to have surgery on June 14, 1988, and I mentioned a possibility of not being able to attend in the event of complications. As it turned out following the crucial surgery,he had, my husband was not able to walk for a while and was in pain for several days. Thus, I was not able to leave him,and placed my responsibilities as a wife and human being

as a priority to that of a pro se person but in no way did I mean any disregard for the Court. If I failed to do anything I was supposed to do- it was simply in view of my preoccupation with my responsibilities at home.

As shown by a copy of my letter of Jun. 12,1988 with a $100.00 deposit for the transcript of any hearings held on 6/17/88, and which were filed on 6/15/88, I had timely requested all transcripts of hearings etc.,and which was timely arranged by the Clerk in Shreveport as shown on the docket sheet on 6/15/88 "check sent to Richard William by Troy. Troy advised Richard Williams to be present for oral arguments. (Sjd)". The cancelled check has been returned and prior to my being informed of such arrangements,after I obtained Mr.William's name on order of 6/17/88,

I sent Mr.William another request for such transcripts with an additional $100.00 deposit, but I have not receive any transcripts. My letters to obtain the above, any information filed or made available to the Court, copies of all orders,and to have corrections made in release of 6/17/88 under "Verdict,Ruling,etc; to include my two above mentioned motions etc.,which was why the hearing came about, were returned unfiled and resubmitted for filing. After I was not furnished the transcript etc.or copy of proposed orders for Rule 11 Sanctions etc., I have filed a formal motion to obtain all of the above on 7/15/88. I did receive a copy of the Judge's order of 6/17/88 saying the claims against Mr.Brandt's clients were dismissed.Fed.R.Civ.P.37(b)(2).

For reasons orally given today in open court,the motion to dismiss filed by defendants E.F.(should be J.) Faul et al is granted. I have not been able to learn what the "reasons orally assigned" noted in Judge's ruling of 6/17/88 are-although same requested. I did receive a copy of the affidavit of Phyllis Benoit.A-80.

As shown on pg.1 and with copies of orders attached,the hearing on 6/17/88 had not been set for E.J. Faul et al's motion to dismiss,it had been set for resubmitted 1988 Motion to evaluate E.J.Faul with affidavits, and my motion to compel defendants to answer the 1986 interrogatories resubmitted in view of new developments admitted by their counsel which cannot be ignored in their ignoring of due process rights.

All statements in my affidavit are correct in accordance with my best knowledge, information and belief.

Sworn and subscribed before me the undersigned authority, this 27day of July 1988.

signed Louella F. Benson

STATE OF VIRGINIA
COUNTY OF FAIRFAX

Timithoy S. Miles
NOTARY PUBLIC

My commission Expires Dec.8, 1989.

Transcript of June 17,1988 and refund sent to L'B in Sept. 1988,by Richard D.Williams

To all. members of the family:

I, Ewell J.Faul, plan to call for a public auction of the property that we jointly own in St.Landry Parish no later than November 15, 1981, if a unanimous decision cannot be reached by all parties as of that date.

I plan to be at that auction and to purchase this property in my name and I will allow no one to back in for their share unless I so desire.

I also plan for this sale to include all mineral rights attributable to the property and whoever is successful in purchasing the property will be in total control of its disposition.

signed Ewell J.Faul

October 23,1981
witnessed by: Nellie Champange Faul

Joseph L. Benson, Louella
6432 Montrose St
Alexandria, Va. 22312

THIS MAILGRAM IS A CONFIRMATION COPY OF

THE FOLLOWING MESSAGE:

703 256 7595 TDBN Alexandria,Va. 43
10-29-81

0753A EST FOR 318 528 2151

LESLIE FAUL COPY MESSAGE, RUSH PHONE
IMMEDIATELY

528 PATTON ST

SULPHUR LA. 70663

PLEASE FORWARD COPY OF LEASE.EURA

AND I HAVE COME TO AN AGREEMENT. I

HOPE YOU AND I CAN REACH AN UNDER-

DERSTANDING ON THE HOUSE, THAT IS

THE ONLY THING PREVENTING THE STRIP-

PING, IF NOT, AM SUBMITTING A FORMAL

BID OF $17,000. LOVE LOUELLA

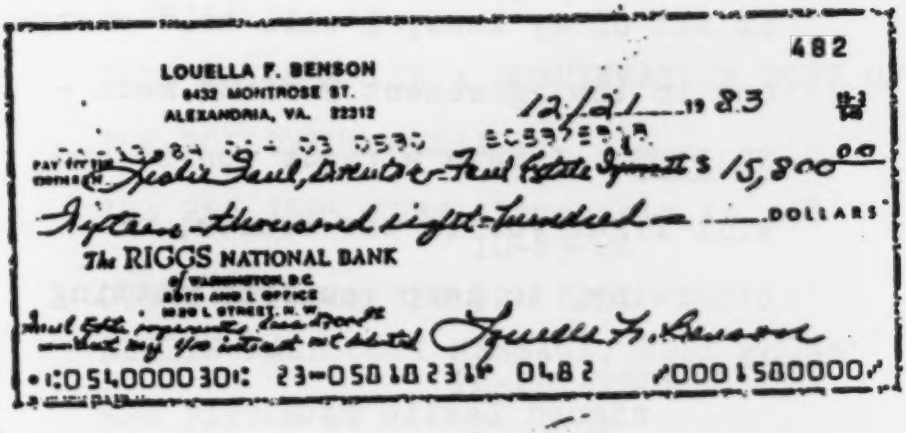
0757 EST

If the surveyors find that the house is all on my land, I will hold everyone to the agreement 9 of us made - NO BIDS. I have already won it and will fight you in the courts, or otherwise, to keep you from getting it.

signed Leslie Faul
11/7/81

Note: untrue-two other heirs had not signed the partition

"otherwise" is long-distance label, etc. and prior abuses and secret processes. LFB



482

LOUELLA F. BENSON
8432 MONTROSE ST.
ALEXANDRIA, VA. 22312

12/21 19 83

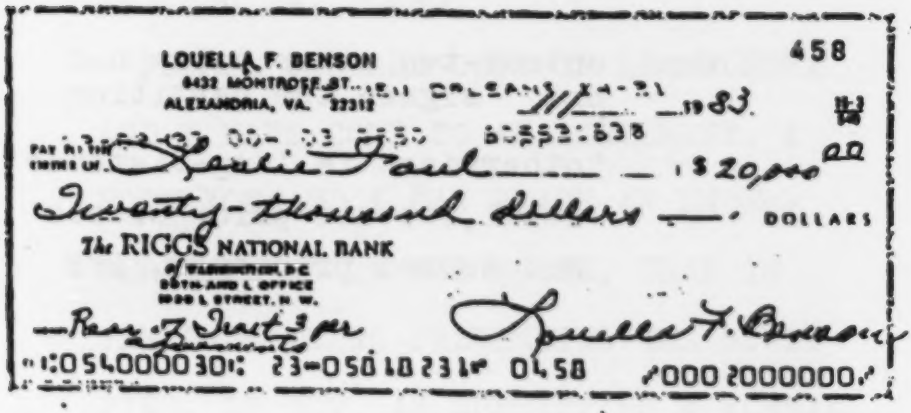
PAY TO THE ORDER OF Leslie Paul, Director-Paul Estate Summit $ 15,800.00

Fifteen thousand eight hundred ——— DOLLARS

The RIGGS NATIONAL BANK
of WASHINGTON, D.C.
18TH AND L OFFICE
1800 L STREET, N. W.

Louella F. Benson

1:0540000301: 23-0501B231# 0482 #0001580000#



458

LOUELLA F. BENSON
8432 MONTROSE ST.
ALEXANDRIA, VA. 22312

11/ 19 83

PAY TO THE ORDER OF Leslie Paul $ 20,000.00

Twenty-thousand dollars ——— DOLLARS

The RIGGS NATIONAL BANK
of WASHINGTON, D.C.
18TH AND L OFFICE
1800 L STREET, N. W.

Ray Z Dart 3 per

Louella F. Benson

1:0540000301: 23-0501B231# 0458 #0002000000#

AFFIDAVIT OF JOSEPH L. BENSON

I, Joseph L. Benson, a legal resident of the State of Virginia,have been married to Louella F.Benson for more than 10 years and reside with her at 6432 Montrose Street,Alexandria,Va. 22312. Shortly after our marriage I leaned that I had cancer of the bladder and since had a heart bypass. Louella has taken good care of me and has been both compassionate and sympathetic to my concerns. My wife is a gentle, loving person who is very open.

I am now and have been a public utility consultant for about thirty years in the national gas pipeline industry, following twenty-three years of government service,including service as a Naval officer during World War II. Prior thereto, I

received three degrees from the University of Texas,including Master of Science in Civil Engineering and Master of Arts, majoring in Economics. Since February 1976, Louella has been in my employ as an Administrative Assistant, Secretary and Bookkeeper.

As a wife and as an employee, Louella has been loyal,trustworthy, competent and industrious. As to her difficulties with her relatives, I can only state that I visited with her twice at the home of Lois and Forrest Bearb. I found no fault with Louella's behavior in any of such visits, nor did Forrest Bearb show any hostility. I have also visited with Louella at the homes of other heirs and their children and there were no problems.

As to the allegations of forgery by Louella, it is my opinion that such allegations are without substance and are false. Louella, as pro se tried and won a case in which she was a victim of fraud and forgery.

In 1981, Mrs. Benson volunteered for psychological testing and evaluation. The psychiatrist who completely evaluated her and had her tested told me that she has no psychosis. He stated that he noted a mild situational depression which was not psychotic, not even neurotic, and did not recommend any treatments, nor have I sought any. (JLB)

It is untrue that my wife was angry when Melody Faul arrived to visit with us in February 1977. The only

problem that came up was that Mrs. Benson asked Melody to turn off the TV and the lights late during the second night because we are light sleepers. At no time did I hear any of the discrediting remarks in Melody's affidavit. I was in both the office and at home with my wife when Melody was here. As to buying Melody a present, my wife is a kind and generous woman. She does her own housework and gives to charity the money she would otherwise pay to a maid.

signed: Joseph L. Benson

State of Virginia
County of Fairfax

Sworn and subscribed before me, a notary Public in and for Fairfax County, Virginia this 29th day of Aug. 1986

/s/ Jamed M.Boyer,Now By marriage
My Commission Expires:10/8/89

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

WESTERN DISTRICT OF LA.
F I L E D
APR 05 1988
Robert H. Shemwell,Clerk

LOUELLA F.BENSON
plaintiff C.A.CV86-0489
vs. Sec. L , Judge Walter
GLENN A.ALLY,PhD,et al
defendants

MOTION FOR RECONSIDERATION...AND REQUEST FOR RULING ON MOTION TO EVALUATE E.J.FAUL,DEFENDANT, FILED OCT. 20, 1986

NOW comes plaintiff.....Plaintiffs motion was filed on Oct.20,1986,with attachments and an additional request for ruling was made in 1986. Because of the matters documented in her motion, her affidavits and attachments in support of above motion it is vital that E.J.Faul be ordered to undergo mental evaluation and psychological testings,and most

importantly,because of on-going harm being caused to this plaintiff by his unconscionable actions,including the unwarranted attachment of her property by he and his counsel which is a part of the same property E.J.Faul had planned to take complete control of in 1981 (prior to E.J.Faul suing plaintiff in 1983 to deny her rights) only after plaintiff has spent $30,000 on improvements. Defendants have violated the Federal Rules of Civil Procedures also.....While E.J.Faul,his counsel and other defendants refused to answer if additional information of any kind was made available to the Court in support of his motion for plaintiff's mental evaluation--that is,other than counsel's brief motion stating that it was based on plaintiff's pleadings--there are facts to show that misrepresentations have been made,but that the

harm is increasing and on-going with more secret processes and not only E.J.Faul, et al deny all discovery but as shown in Attached Exh.1,counsel for E.J.Faul and defendants refused to answer the attached interrogatories sent to him on Oct.18,1986,(Exh.1) not to mention the exploits of describing her voice by Ally the day after the court ordered private and confidential settlement conference in the two cases which subject cases derived from, ignoring required procedures and treating this plaintiff differently to cover-up abuses and secret processes, other misrepresentations by counsel as shown in the record, and the undue discrimination towards this prose litigant,including not being able to obtain answers from

the Clerk of Court as to whether or not information had been provided in support of E.J.Faul's motion for mental evaluation of plaintiff,etc, the fact that Deputy Forest Bearb in CV84 2540 was protected and not evaluated, motion left pending for months and never ruled on inspite of the fact that he had definitely placed his mental health in controversy and he too was trying to obtain plaintiff's property and was an ally of E.J. Faul with plans to take complete control and only let back in those he wanted to before they sued her in 1983.

If counsel for E.J.Faul opposed plaintiff's motion for evaluation of E.J.Faul in any way she was never informed or copied and the same is true of her recent motions to postpone.... for all of which plaintiff must respectfully state her exception.....

"...on March 14, 1988,plaintiff sent Counsel Brandt the attached letter Certified,Exh.2 A-__RRR in efforts to get answers to her interrogatories commencing on April 19,1986,to the defendants,including E.J.Faul. Not having heard from counsel on this the 4th of April,1988, between 11:00 and 12:00 noon Lafayette time,plaintiff called counsel Brandt to confer with counsel on any specific points re the interrogatories in efforts to comply with rules and obtain answers. ....For the Court's convenience,plaintiff attaches a copy of the First set of interrogatories sent to E.J.Faul on 4/19/86 Exh.3 but would ask that those to the other defendants in record also be answered. Since counsel's only comment re the unanswered interrogatories was a request for plaintiff's

mental evaluation,plaintiff refers the Court to her Interrog.No.8 to E.J. Paul on 4/19/86:

"...state the name of the doctor who you said you knew in 1981 over the phone, who you threathened would help you in putting me in an institution if I returned to Lafayette?"

See also Interrog.No.1 re mental treatments etc.,No.2 re his rejected 1985 affidavit with untruths in it and as to his mental health, 3, re his alcoholic addiction and confinements, threats, 4, re 1975 statement that what plaintiff said did not matter anymore,etc. The above is further reason to grant plaintiff's motion to evaluate defendant E.J.Faul,....interrogatories sent to them at least ten days prior to E.J.Faul's motion for plaintiff's mental evaluation. The defendants want plaintiff to go to E.J.Paul's psychiatrist in Lafayette

to avoid discovery and cover-up their unconscionable actions and thus plaintiff's motion to evaluate E.J.Faul should be granted in view of the above mentioned developments which supports plaintiff's position and the on-going harm to this plaintiff. Counsel has indicated in the record that E.J.Faul has caused to be published the other frivolous motions and "affidavits" in related cases which were rejected. Unlike this plaintiff,E.J.Faul has not pro-offerred to the Court that he had volunteered for mental evaluations and testings which proved that no treatments are needed and that she does not have the mental problems. Facts show that E.J.Faul's actions were to discredit to deny due process and to obtain her property also/Prior Court admitted damages to her reputation....

In the United States District Court
for the Western District of La.
Monroe Division

Louella F.Benson C.A. CV86-0489
Sec. L Judge
Walter
vs.
Robert H.Shemwell
Glenn A. Ally,PhD et al Clerk
Filed Oct 20 1986

Motion to Evaluate E.J.Faul

NOW COMES Louella F.Benson,plaintiff,..
After E.J.Faul was named as a defendant in subject case in which this Plaintiff expressly stated she was not placing her health in controversy, but sought damages for their fraudulent scheme to take unfair advantageous of Plaintiff in a business deal, for conspiring and their efforts to defame and discredit this Plaintiff in their on-going efforts to deny her due process,the defendants delayed for months in admitting or denying the pleadings. As soon as E.J.Faul received the interrogatories propounded to him by this

plaintiff on 4/19/86, instead of he, Ally, Lois F.Bearb and Izena Kidder answering the interrogatories,E.J. Faul filed for a mental evaluation of this Plaintiff and no interrogatories have been answered. Plaintiff requested copies of any statements or affidavits filed in support of E.J. Faul's motion for mental evaluation from his counsel, the Judge and the Clerk and/or certification that there were not any as shown in her letters in the docket re this motion and other motions, and infact sent checks to the Clerk but got the run around. E.J.Faul's motion to evaluate Plaintiff was granted,the fraudulent scheme and conspiring was ignored (which plaintiff can prove)as were E.J.Faul's untruths and distorted untruths which he did not see

stated in his 1985 affidavit which had been rejected and was not even in the record in this case. Why are they stonewalling on crucial questions,including Dr.Ally. He does not know what is related or unrelated in this case and admits he does not know plaintiff. Plaintiff has impressive evidence that her complaints are true which she has made available to this Court. "Affidavits" are repleat with lies, hearsay which can be proved.

For these and the reasons stated in Plaintiff's attached affidavit of this date, and her affidavits of 1985 and attachments, all attached,plaintiff respectfully requests that E.J.Faul be ordered to submit to a mental evaluation under FRCP 35 or any applicable rule....and that Faul be subjected to a complete battery of psychological tests to support the evaluation.

Respectfully, LFBenson

Certification to opposing counsel.

AFFIDAVIT

I, Louella F.Benson, plaintiff pro se, and the sister of E.J.Faul,being duly sworn desposes and states:

I have represented to this Court that I have not seen E.J.Faul since 1975, at which time he informed me that what I said "did not matter anymore", that E.J. Faul told me over the phone in 1981 during the estate matters that if I came to Lafayette he knew a doctor who would help him place me in an institution, that during the same year-he submitted his plan to take complete control of the Faul estate of our deceased parents (witnessed by his first x-wife Nellie) and that he would not let back in anyone other than those he chose, that he Bearb and Leslie Faul, Izena Kidder later sued me in efforts to stop me from bidding on the improvements of my deceased parents. I

pointed out that he lied under oath and provided evidence to prove that- as shown with my rebuttal and attachments of the 1985 "affidavit" attached.

Plaintiff represented to the Court in 1985 affidavit that E.J.Faul was treated at the Raleigh Hills addiction center in Lafayette and that she cannot be subjected to his mood swings each time he and his wife are estranged or when he is under stress. Since that time Plaintiff was informed that E.J.Faul and Nellie have divorced, that E.J.promptly married Ruth Hidalgo, and that shortly afterwards that E.J. Faul was jailed for making threats, that his daughter had testified against him,and that he is separated from this wife,all of which certainly generated a great deal of stress.

Dep.Bearb,defendant in CV84-2540, represented in 1985 that E.J.Faul was stating wild untruths re this plaintiff and wanted to have her committed to an institution; (after she purchased property.) Dep.Bearb in 1984,trespassed on Plaintiff's property and falsely accused her of having committed forgery in Houston,that they were working on it and she would be nailed etc. and which had been kept secret from this Plaintiff for many,many years until she had money to bid on and buy the improvements of her deceased parents,which Bearbs wife,Lois F.Bearb et al,are trying to obtain in CV84-2541 along with the land where most of the improvements are,all of which they agreed to sell in 1983,and did not bid on the improvements later when they had

an opportunity. This Plaintiff has informed the Court that not only she never committed forgery nor any crimes but she has been the victim of both fraud and forgery,represented herself pro se and won,including on appeal... E.J.Faul has refused to answer any questions just as they have in this case. These defendants have worked together, see "plans" by E.J.;"No Bids", threats by Leslie Faul etc.)

As shown in 1985 affidavit,Plaintiff told her brother,E.J. in 1981 over the phone that she had volunteered for complete evaluation and psychological testings which revealed that she does not have the mental problems.....On May 7,1986, Plaintiff wrote the Court and copied defendants'counsel and quoted from the results of the tests and

evaluations which she volunteered for to prove with objective scientific tests that she does not have the problems....that her pleadings expressly stated that she was not placing her health in controversy and that she does not want E.J.Faul in her medical life,and does not feel that he has a right to her medical life because Dr.Ally was paid to make a long distance label of this plaintiff by defendants who are trying to obtain her property, that he does not know the plaintiff and ignored all required clinical procedure before making such a label and on June 9,1986,quoted from the Magistrate and Judge in other cases who had turned them down three times, finally fined and warned them re the harrassment.Plaintiff did submit an affidavit by her husband,Joseph L.Benson,

who she has been married to over ten years,and who verified her representations re her tests results and mental evaluations and that the doctors who completely evaluated her did not recomended any treatments and other matters stated in his affidavit attached.(A-93).

Dep.Bearb said that this plaintiff had received some sort of "mental treatments". This would be a violation of civil and criminal codes without plaintiff's knowledge or consent-even if she had been a mental patient and it is all the more since she has objective scientific evidence that she does not have such problems and which E.J.Faul and others knew of before they hired Ally. E.J.Faul also, has refused to answer the first,second or third set of interrogatories

concerning he, the Paul Energy Co., his actions, the "mental treatments" his "plans" or his mental state,they want summary judgment on the pleadings based on public policy considerations and/or summary judgment for default because Plaintiff did not go to the pschiatrist selected by E.J. Paul in Lafayette in view of his threats, her evidence as above-mentioned, that she had expressly stated in her pleadings that she was not placing her health in controversy, and the malicious bad faith untruths by the defendants under oath and their motives and fraudulent scheme to take over her property as she proved to the Court by the issues contested in CV84-2541 on 2/21/86 attached. underscore added.

"...Obeying the order would mean seeing E.J.Faul's choice of doctor in Lafayette and stepping in the fire... The defendants also refuse to answer if the false forgery was placed on her name in efforts to have her "treated"!...Plaintiff has answered the relevant questions inspite of the fact that she was denied discovery from the defendants. The evidence shows that when she talks to counsel over the phone she is exploited and misrepresentations are made to try to make her fit the label, all of which is in the record.)...The defendants know that this Plaintiff has a heart condition which has nothing to do with the mind and she should not be subjected to such harrassment because she had money to buy property. They insisted that

Plaintiff's husband, a Jew,sign off his communty rights, hired Ally for long-distance label.....Plaintiff refers to undue discrimination in the Western District as compared to the way Dep.Forest Bearb was protected from a mental evaluation in CV84-2540 although his pleadings on counterclaim would certainly have warranted evaluations,(he told a witness he would "slap her", and her motion to evaluate him was pending for about six months as was her affidavit and never heard, ...There is evidence of on-going abuses. Plaintiff has been sick since exposure of June 2 on her property. She was told that permission to use chemicals on her property was obtained from other heirs!

Plaintiff respectfully prays that E.J.Paul be made to undergo

mental evaluations and testings for the above mentioned reasons and because he lied under oath coupled with his "plans" and malicious motives,his problems and threats re this Plaintiff. Plaintiff has shown that there is probable cause that if she was evaluated by the Lafayette doctor that harm would probably come from it in view of the defendants having ignored the rules earlier by paying a doctor to have her labeled unseen with false statements, ignoring procedures required and now E.J.Faul wants to pay a doctor to confirm their long-distance label which he knew was false. This Plaintiff has not been around these people in years. Why the sudden "affidavits" only after she had money to buy property which they are trying to obtain. In Plaintiff's

opinion, E.J.Faul's own situation does not warrant any interventions in this Plaintiff's and her husbands life but that he should show evidence of his own state of mind.

This plaintiff is not a violent person,nor did the testings indicate any such thing. Izena and Melvin Kidder's untruths underoath are unconstitutional and were denied to Plaintiff years ago. M.Kidder could not have seen that and he and others swore to untruths they did not see. See rebuttals.

signed: Louella P.Benson
6432 Montrose St.
Alexandria,Va.22312
703 256 7595

Commonwealth of Virginia
County of Fairfax, To Wit:

Sworn and subscribed before me this 18th day of October,1986.

signed: Sherry P (sp)
Notary Public

My Commission expires July 10,1990.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S. District Court
WESTERN DISTRICT OF LOUISIANA
F I L E D
Apr 25 1985
Robert H. Shemwell, Clerk
By Row
deputy

LOUELLA BENSON

VERSUS C.A.No.84-2541
Section: O

LOIS BEARB

AND

LOUELLA BENSON

C.A.No.84-2540

VERSUS Section: O

FOREST BEARB

RULING

Before the court are defendants' motions for an order to require Louella Benson to submit to a mental examination under F.R.C.P. Rule 35(a).

On December 3, 1984 defendants filed their initial motion

to compel Louella Benson to submit to a mental examination. By minute entry dated January 17,1985 I denied this motion on the basis that defendant had failed to make an affirmative showing both of "good cause" and that that Louella Benson's mental condition was "in controversy", as required under F.R.C.P. Rule 35. On January 15, 1985 plaintiff in turn filed a motion to require defendants to submit to a mental examination under any applicable law. By minute entry dated March 29,1985 I denied plaintiff's motion and entered an award of $100.00 against plaintiff for her frivolous claim.

On March 26, 1985 defendants filed this renewed motion to require

Louella Benson to submit to a mental exam under F.R.C.P. 35(a). In support of a "good cause" and "in controversy" finding, reasons are stated as follows:

> Defendants feel the plaintiff does not have the mental capacity to proceed with this suit. Second, defendant will assert as a defense to this claim, that the petitioner is suffering from a mental condition known as schizophrenia, paranoid type. (Esphasis added)

Clearly, these allegations fail once again to meet the "good cause" and "in controversy" requirements of F.R.C.P.Rule 35(a). The rule requires that the moving party show "good cause" and that the condition to be examined is "in controversy". I refer counsel to my minute entry dated January 17,1985. My reasoning remains unchanged.

All parties in this suit should

be aware of the court's growing impatience with the barrage of the innumerable,redundant and frivolous claims filed in this form of motions, letters,and pleadings and intended solely for purposes of harrassment and retaliation. Federal court is not a forum designed for the convenience of embittered relatives to wage an unchecked battle of harrassment.

Therefore it is hereby ORDERED that defendant's motion to require Louella Benson to submit to a mental examination is DENIED.

It is FURTHER ORDERED that a sanction of $50.00 be entered against each defendant in favor

of the plaintiff under Rule 37 F.R.C.P.

Further frivolous motions will invoke contempt sanctions against the parties in accordance with this order.

Lafayette,Louisiana,this 22nd day of April, 1985.

signed Mildred E.Methvin
United States Magistrate

Copy Sent:
Date: 4-23-85
By: Row
TO: Benson
Brandt

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

U.S. District Court
Western District of Louisiana
F I L E D
June 19, 1985
Robert H. Shemwell, Clerk
By: Row
deputy

LOUELLA F.BENSON

VS. C.A. No. 84-2540
Section O

FOREST BEARD

LOUELLA F.BENSON

VS. C.A.No.84-2541
Section O

LOIS FAUL BEARB, ET AL

R U L I G

Now before the Court are two appeals from the Magistrate's rulings of April 22 and May 8; 1985. Defendants have appealed the Magistrate's ruling of April 22,which denied defendants' motion for an order to require plaintiff to submit to mental examination and which

imposed sanctions of fifty dollars per defendant for filing a frivolous motion. Plaintiff Louella Benson has appealed the Magistrate's ruling of May 8, which denied plaintiff's motion to compel defendant Forest Bearb to supplement his responses to a set of interrogatories served on January 29, 1985.

Having reviewed the Magistrate's rulings and the memoranda and other documents submitted by both plaintiff and defendants,this Court must affirm both decisions for the reasons stated in the Magistrate's rulings. underscore added.

Accordingly, the defendants' appeal from the Magistrate's ruling of April 22 and the plaintiff's appeal of the May 8 ruling are both hereby DENIED.

Opelousas, Louisiana, June 19, 1985.

signed: JOHN M. SHAW
UNITED STATES DISTRICT JUDGE

Copy sent

Date 6-19-85
By Row
To Benson
Brandt

"You have to state the relevance at this time."

"MRS.BENSON: My reason is,Your Honor, that it is my understanding that somebody has decided that it is a land treatment area,water shed."

"THE COURT: And? And if?"

"MRS. BENSON: Well, I don't like that idea with my property. I never approved any such thing nor would I approve of any such thing --"

"The COURT: You own it, so you don't have to. I don't think that's relevant. Let's go on to the next question. I'll sustain the objection."

"Mrs. BENSON: There is new interest in the oil industry in the immediate area where this land --"

"MR.BRANDT: Your Honor, I think the Court's ruled. Could we go

ahead and move along?"

"The COURT: This is another reason."

"MRS.BENSON: There is new interest in a well, and people are going around sending letters to buy oil interests and to lease, so as you well know, they need not drill a well on your land to include you in it. They can pool you in it,..so from that standpoint Ewell could have an interest.."

"THE COURT: He doesn't have an interest unless you sign up. I'll sustain the objection on that."

end of page 227 Aug. 1987

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page 228: Aug. 1987 84-2541

"You mentioned the Faul Energy Company that you had at one time."

"A. Yes."

"Q. When did you have the Faul Energy?"

"A. It was in either '82 or '83. Let's see,probably '84, 1984."

Connie S. Ezell-Official Court Repr.

MORGAN J. GOUDEAU, III
District Attorney
27th Judicial District
Phone 318 942 2221
P.O.Drawer 1419
Opelousas, La. 70570

July 16, 1976

Bert Brinkman
Assistnat
--Opelousas,La.

Earl B.Taylor
Assistant
Opelousas,La.

Jackson Burson
Assistnat
-- Eunice,La.

Jacque Pucheu
Special Counsel
Eunice,La.

Mr.John Wilson Reed
Attorney at Law
2735 Tulane Avenue
New Orleans,La. 70119

Re: Louella Faul

Dear Sir:

This is to advise you that this office has no record of any affidavit filed against Louella Faul.

Very truly yours,

signed Morgan J.Goudeau,III
District Attorney

MJGIII/rw

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F.BENSON

VERSUS C.A.No.86-0489
Judge Walter
Mag.Methvin

GLENN A.ALLY, PhD,MALCOLM BEARB, GRACE IZENA KIDDER, MELVIN KIDDER, LOIS F.BEARB, EWELL J.FAUL,FAUL ENERGY.CO., NELLIE C. FAUL,AIMEE MELODY FAUL and LESLIE FAUL

AFFIDAVIT

STATE OF LOUISIANA
PARISH OF ACADIA

BEFORE ME, the undersigned Notary Public,personally came and appeared WILLIAM C.GIBSON,who upon being duly sworn did depose and say:

"In March of 1984,I was employed as a Deputy Sheriff of Acadia Parish, Louisiana. Sheriff Elton A. Arceneaux, now deceased,was the Sheriff of Acadia Parish,La., in March of 1984. During this period of time, I was working as a

dispatch officer,answering the telephone and noting complaints.

While working as dispatcher,I received a telephone call from Louella F.Benson regarding some action by her brother-in-law,Forest Bearb, who is now deceased, and who was then also a Deputy of the Acadia Parish Sheriff's Department. Although I have no independent recollection of this telephone call,I did make a notation in our telephone log in accord with our usual practice and was not responsible for any further action on the matter. I was commissioned as an investigating officer or detective; however,I did make note that the alleged action took place in St. Landry Parish, Louisiana,clearly beyond the territorial jurisdiction of the Acadia Parish Sheriff's Office.

I have at no time ever made any statement, sworn or otherwise, regarding the mental condition of Louella F. Benson. I have not submitted any reports,affiuavits or any other type of information to Glenn A. Ally, Ph.D.

All of the statements contained in this Affidavit are correct in accordance with my best knowledge, information and belief."

signed: William C. Gibson

SWORN TO AND SUBSCRIBED before me, Notary Public, this 7th day of July, 1988, at Lafayette,Louisiana.

signed: HA (sp)
notary public

Edwards Stefanski,Barousse,
Cunningham,Stefanski & Zaunbrecher
P.O.Drawer 730,Crowley,La.70527
318 786 7000

STATE OF LOUISIANA
PARISH OF

Before me,the undersigned authority,personally came and appeared William C.Gibson, of the full age of majority who, after being sworn, did depose that:

Sometime in March of 1984,while I was employed with the Acadia Parish Sheriff's office as a deputy,I received a telephone call approximately 9:00 at night from a woman who said she was calling from Alexandria, VA. The woman wanted to speak with the Sheriff. She said she would talk to me about it anyway. She stated that she wanted to report her brother-in-law,who was a deputy with Acadia Parish, and that his name was Forest Bearb. I asked the nature of the complaint

and she stated that she and her sister (Mr.Bearb's wife) were joint owners in some land and were having trouble dividing the property and that Mr.Bearb went to the property and ran off some surveryors that she had working there. I then explained to this woman that I was not the person to talk to about this and she should call back the next day. She said that was alright,that she wanted to talk to someone about it and then proceeded to tell me her life story and all the troubles she had. I tried,without success many times to get her off the telephone. Since I was working the radio as dispatcher and taking all incoming calls to the office, I had to put her on hold many times. Sometimes

she would be on hold for five minutes, but did not hang up. I had an uncomfortable feeling about the woman's state of mind. Everything she told me was repetitious throughout the conversation. Finally,after what seemed to be about forty-five minutes, I had had enough and I told her I was going to have to cut her off. She acted as if she had not heard a word I said and kept on talking. I then hung up on her.

The next day I saw Mr.Bearb and asked him if this lad y was mentally unbalanced. I told him of the conversation and he said "don't worry about it." I've known Mr.Bearb for about ten years and have never heard anyone say anything bad about him. Everyone who has known him thinks he

is the best. About the time this phone call took place, he had received the American Legion award for outstanding lawman of the year.

signed William C. Gibson

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority, this 20th day of March, 1985.

signed S. Faulb (sp)
Notary Public

STATE OF VIRGINIA
COUNTY OF FAIRFAX

In response to the Affidavit of William C.Gibson, I Louella F.Benson, duly sworn, deposes and says:

Mr.Gibson writes that he was employed with the Acadia Parish Sheriff's Office as a deputy in March of 1984, when I called the Sheriff's Office but he completely failed to say what I said. First,Mr.Bearb's wife and myself were not joint owners in some land as he states, so I am certain I did not say that. (Lois and Leslie legally divided Tract 3 in January 1984, which is the land I purchased from Leslie Paul.)

My telephone bill for April 1984 shows that on March 27, 1984, at 8:09 Eastern time (7:09 p.m.central time); not approx. 9:00 at night as he writes,

I called Crowley,La.,318-783-5616 and the period of time was 15 minutes; not 45 min. as he implied. I am not in the habit of calling people I do not know to tell them my life story but could not have done so if I had tried in 15 minutes. I am 50 years old.Also,Mr. Gibson adds that "he put me on hold many times" and "sometimes she would be on hold for five minutes...I then hung up on her ." Mr. Gibson did not hang up on me. If he put me on hold many times and left me holding sometimes for five minutes that does not leave much time for conversation in 15 minutes. If I was repetitious,he still did not get the message as revealed by the attached copy of letter which I hand-carried to

the Sheriff's Office just before dark on the evening of May 4,1984 when I drove in from Houston.

As revealed by the attached letter,Exh.No.11:

> "I reported to Officer Gibson over the phone this week,Forest Bearb, one of your officers (and my sister's husband) came on my property in St.Landry Parish on Friday 23 and informed me that I had committed a forgery in Houston..." (My letter has never been answered nor was the information I requested re the "forgery" furnished.)"

Clearly, the gentleman was not interested in the fact that I called and reported that Forest Bearb, an Acadia Parish policeman,had come on my property in St.Landry Parish and accused me of a crime I did not commit. His affidavit was instigated to discredit me and to help Forest Bearb.

The above mentioned inconsistencies discredits Mr.Gibson and his affidavit should be ignored. It does not deal with the issues in my pleadings and I object and take strong exception. I request that it be rejected.

signed: Louella F. Benson

Sworn and subscribed before me, the undersigned authority,this 12th day of April, 1984.

signed: PMM (sp)
notary public

My commission expires Sept.1985

Hand-Carried

6432 Montrose St..
Alexandria,Va.
22312

March 28, 1984

Sheriff Nelson Arceneaux,
Acadia Parish
P.O. Box 289
Crowley, Louisiana 70527

Dear Sir:

As I reported to Cfficer Gibson over the phone this week,Forest Bearb,one of your officers (and my sister's husband) came on my property in St.Landry Parish on Friday 23 and informed me that I had committed a forgery in Houston. When I begged Forest to tell me who, what, when etc. (because I have never committed any forgery or any crimes) he would only say "that lady in Houston", said they were "working on it" and assured me that I would be nailed, and made other defamatory untrue inferences about me.

Under the applicable provisions of the Freedom of Information and Privacy Act please make available to me copies of any and all information you may have pertaining to me Louella F.Benson or Louella M. Faul, including the name of "that lady" in Houston he referred to and a copy of the "forgery" he accused me of. It is my understanding that when Forest was confronted with this by someone else he responded that he did not know anything about it (since the incident on Friday,March 23).He also stated,I was informed, that "he told me he would slap me" if I stepped on my sister's property.

I was not on my sister's property but he came on my property to talk to surveyors I hired to do work on my land which I have inherited in

one area and purchased in others. What gives Forest the right to flash his badge and a little black box (which he was wearing at the time) on my property in St.Landry and to insult me verbally with untruths? Neither the prior surveyors (who aborted the efforts after contact by Bearb and their lawyer) nor the recent surveyors had any interest in the Bearbs, their stickers, or my sister's 4+ acres. Therefore, Forest's presence on my property to speak to the surveyors I employed to do work for me was unwarranted,as was the calls by he and/or his lawyer to the supervisors of these men. A trip home costs me about $1,000.00. I have a heart injury and do not take the problems created for me lightly in this area.(What was the purpose of

the little black box and provide any information obtained.)

How is it that Forest happens to know when I am at home when I have no contact with them whatsoever? What gives the Acadia Police (or any police) the right to be "working on it" as Forest told me when I am and always have been a law abiding citizen? The FOI request (and Privacy Act) request also extends to any area of government in which Forest or the Acadia Police may have been contacted pertaining to me, or any involvements in surveillance, controls,research.

While I had hoped that this letter would not have been necessary after the first encounter, the recent above-described incident leaves me no choice and I am certain you can

appreciate the seriousness of the situation re the untrue defamatory accusation. I will demand my complete civil and constitutional rights in all areas and I fully intend to go on my property without police harrassment and to hire whoever I want to-to do whatever work I elect to do without Forest's presence or he and/or his lawyer's intervention. What regulation justified the Acadia Police to come in St. Landry Parish? Your prompt attention would be appreciated. What justifies Forest or any police intervention in any area of my life?

signed: very truly yours,
Louella F.Benson

"Re'd - 5-4-84
signed D.H.Zaunbrecher
(letter missing from police files)

C&P Telephone Account Number - 703 256 7595 334

APR 5 84

-DETAIL OF ITEMIZED CALLS - Page 7

DATE	TIME	CALLED-PLACE	AREA-NUMBER		RATE	MIN	
----	AT&T COMMUNICATIONS (CONT.)						
3 27	809 PM	CROWLEY La.	318 783 5616	*	E	15	4.08**/
3 27	805 PM	OPELOUSAS La.	318 948 6516	*	E	2	.64
3 27	847 PM	OPELOUSAS La.	318 948 6516	*	E	17	4.60
3 27	851 PM	OPELOUSAS La.	318 942 8768		PE	26	9.98

**/ only call to Acadia Ph. Sheriff

A-138

Acadia Parish Sheriff's Dept.
Elton A. Arceneau, Sheriff.
No. 14362

Luella Benson	Charges against Dy.
Complainant's Name	Named on Complaint
6432 Montrose Alexandria, Va.	St. Landry Parish
Complainant's Ad.	Location of Complaint

Phone No.

Dy. Gibson	7:05 p.m.	3/27/84	None
Received by	Time	Date	Off. Assigned

Details of Complaint or incident

Subject phoned and wanted to speak to the sheriff about one of the Dy.'s who she had a complaint against. After I explained the sheriff was not here she wanted me to take down the information for the complaint. Ms. Benson is the sister-in-law of Forest Beard and she says Forest went in St. Landry Parish and using his badge ran off a survey crew she had on her land. She and Mrs. Beard are sisters and own some land in St. Landry Parish. The survey crew was on her part of the land and this was the second time this had happened. The first

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F.BENSON

VS CIVIL ACTION NO. 81 2540,

FOREST BEARB Section "O"

RESPONSE TO PLAINTIFF'S MOTION TO COMPEL FOREST BEARB TO PRODUCE SWORN AFFIDAVIT

Now appears Forest Bearb, through undersigned counsel, who responds that:

1.

No formal request for production and inspection of documents was served upon defendant.

2.

Although a rough affidavit was prepared by defendant, Forest Bearb, there was never typed and was discarded as useless by counsel for defendant since it did not contain specific allegations of facts.

3....

s. Charles Brandt

April 24, 1985

6432 Montrose Street
Alexandria,Va.23312

September 15, 1989

Michael J.Laughlin,Esq.
Joseph W.Rausch,Esq.
Stassi,Rausch & Giordano
1150 Lakeway Two,
3850 N. Lakeway Blvd.
Metairie,La. 70002

Judge Walter
Mag.Methvin
Benson vs.Ally et
al C.A.No.86-0489

Dear Mr. Laughlin:

This letter is to confirm our phone conversation of 9/14/89,resulting from my calling your offices this week and my letter to you of 9/10/89 in efforts to obtain answers to interrogatories you received on 8/21/89 for your-client former officer William Gibson in above case.

You requested more time in view of the fact that you will be leaving the firm and another lawyer,probably Mr.Rausch will take over.In efforts

to cooperate and show good faith I agreed to extend the time a week under the conditions that I receive responsible answers no later than 9/25/89. As you know from the Judge's Order of 5/10/89,Motions to Compel must be filed prior to 10/4/89, and you are familiar with F.R.C.P. required prior to filing a Motion to compel,e.g., phone call and letter which require more time.

You mentioned that it would be necessary for a lawyer to go to Lafayette and meet with Mr.Gibson,but that should not take any longer than one day. You agreed to send me the answers via overnight service. You are aware of the seriousness of the matter to my on-going detriment, regardless of where the blame lies,e.g. dissemination.

There are facts to show I had tried to make contact with prior counsel in this case but he was in the process of getting off the case. As soon as the Court signed the Order entering this firm, I sent the interrogatories, all in efforts to comply with the Judge's Order. I understand that discovery matters are not filed with the Court and I am not communicating with the Court directly, but in view of the Court's Order of 5/10/89, "It is the duty of all counsel to notify the Court in writing if, after reasonable effort,any party cannot obtain the cooperation of other counsel", and to assure that I obtain responsible answers from Mr. Rausch's client by 9/25/89,I am requesting that the Clerk of Court make a copy of this letter available

to the Judge, and Magistrate.

I trust and feel confident I will receive responsible answers by 9/25/89.

signed Sincerely,
Louella F.Benson,
pro se
703 256 7595

cc: Clerk of Court (3 copies)

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE DIVISION

U.S. District Court
Western District of La.
F I L E D
Oct 25 1989
Robert H. Shemwell Clerk

Louella F.Benson,
Plaintiff C.A.No.CV86-0489-L

vs. Judge Walter
Mag. Methvin
Glenn A.Ally,et al Mag.Simon

Defednants

Motion to File Attached Motion

NOW comes Plaintiff,Louella F. Benson,pro se, and states as follows.."

Plaintiff lives in Virginia and in view of the geographical problem and other hardships, she is seeking permissing to file the attached untimely motion as suggested in the Court's Order of 5/10/89. Plaintiff respectfully prays that her motions will be granted.

Respectfully submitted,
signed: Louella F.Benson,prose
6432 Montrose Street
Alexandria, Va.22312
703 256 7595

Brief in Support of Motion:

As shown in the attached Motion,defendant Gibson has not responded to plaintiff's requests for production and interrogatories sent to his counsel since Aug.19,1989.The delays are placing plaintiff in a position where she had to delay her efforts to comply with the Court's Order of 5/10/89. Too,plaintiff is greatly disadvantaged by not having received this crucial information for obvious reasons. It is now 4 p.m.on 10/24/89, and plaintiff's call has not been returned by the firm of Stassi,Rausch & Giordano.

Respectfully submitted,
signed:Louella F. Benson,pro se

I certify that the orig inal of foregoing and copies are being mailed to Court Clerk and opposing counsels as shown on attached Certification of Motion enclosed on this the 24th day of Oct.1989.signed L.F.B.

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE DIVISION

U.S.District Court
Western District of Louisiana
F I L E D
Oct 25 1988
Robert H. Shemwell, Clerk

Louella F.Benson,
Plaintiff

Vs. C.A.No.86-0489-L

Glenn A.Ally,et al Judge Walter
Defendants Mag.Methvin
Mag.Simon

MOTION TO INFORM THE COURT AND TO REQUEST PERMISSION FOR TELEPHONIC APPEARANCE AT PRE-TRIAL CONFERENCE

NOW comes Plaintiff,Louella F.Benson pro se,and states as follows..."

The Court's Scheduling Order of 5/10/89, states that:

"if personal appearance will cause undue hardship, counsel,may request in writing,appearance by telephone".(IV.PRETRIAL CONFERENCE, parag.A)

The pre-trial conference in this case has been set for 11/3/89,at 9:00 a.m. in Monroe. Plaintiff respectfully requests that she be permitted to

participate via phone,and she will indeed make it a point to stand-by the phone until the call comes through should the Court see fit to grant this request.

Also, as shown in record plaintiff has been trying to obtain answers to interrogatories she sent to defendant Gibson through his counsel since Aug. 19,1989. On Oct.16,1989, Mag.Simon ordered defendant Gibson answer the interrogatories and properly respond to the request for production, no later than Oct.31, 1989.If the answers are mailed on Oct.31, it would be unlikely that plaintiff would receive them by 9:00 a.m. on Nov.3 (mail is delivered around noon daily).It is important that plaintiff receives this crucial information from Defendant Gibson

timely prior to the settlement conference, and too, plaintiff was waiting on this information prior to completing the Pre-trial Order per the Court's Order of 5/10/89. underscore added.

In view of the above matters in the record, and the following plaintiff respectfully prays that she be allowed to participate in pre-trial conference of 11/3/89 via phone and that the Court allow extra time for the Pretrial Order to be filed in view of defendant Gibson's delay in answering interrogatories and requests for production. (The Court's Order of 5/10/89 states that "the pretrial Order, must be filed with the Clerk of Court and a copy must be received in the Judge's office P.O.Drawer 3107, Monroe,La.71210 by 5:00 P.M. on the Monday preceding

the scheduled pretrial conference".

With copy of this Motion plaintiff is including a check of $12.. made payable to defendant Gibson's counsel so that the responses to Interrogatories and requests for production can be sent to her via Federal Express..... Respectfully submitted,

signed Louella F.Benson,pro se
6432 Montrose St.
Alexandria,Va. 22312
703 256 7595

Brief in Support of Motion:

On this the 24th day of Oct.1989, plaintiff called the offices of Stassi, Rausch & Giordano No.504,837-7171 and asked to speak with Attorney Michael J. Laughlin re the above case. Plaintiff was informed by the party who answered the phone (Christen) that Mr.Laughlin was no longer with them. When asked to speak to the lawyer now handling the

matter, plaintiff was told by Christen that she did not know and that she would have an attorney call back. The call was placed at about 11:45 a. m. eastern time. Plaintiff left word that she was trying to comply with the Court's Order to prepare the Pretrial Order, the attorneys' conference, and left her number.

When the firm of Stassi,Rausch & Giordano return plaintiff's call,plaintiff will try to get an idea of when the answers to interrogatories and requests for production will reach her and she will try to set up a telephonic conference call with the lawyer from the above firm,Mr.Brandt and plaintiff,pro se, at a time convenient to all. She must,however, have the name of the lawyer handling this matter in the above firm and she would again ask for their

cooperation in obtaining the above in efforts to meet the Court's deadlines. signed: Louella F.Benson
Note: address
(Court's order of 5/10/89 permits telephonic attorneys' conference)

Certification:

I certify that the foregoing and attached motion to file motion originals are being sent for filing with two copies of each to the Clerk of Court,Mr.Robert H.Shemwell,U.S.Dist. Court-Western Dist.,106 Joe D.Waggonner Federal Building,500 Fannin St, Shreveport,La.71101,via overnight service on this the 24th day of Oct. 1989. (Plaintiff request that a copy of each be forwarded to the Honorable Donald E.Walter in Monroe upon receipt,and that the additional copy be returned for plaintiff's files after filing, in the enclosed self-addressed stamped envelope.

Plaintiff further certifies that a copy of each of the above motions with proposed orders...are being sent to the following on this date,Oct.24, 1989, via first class mail:

Joseph W.Rausch,Esq.
Stassi,Rausch & Giordano
1150 Lakeway Two
3850 N.Lakeway Blvd.
Metairie,La.70002

Charles Brandt,Esq.
300 B Stewart Street
Lafayette,La. 70501

signed: Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va. 22312
703 256 7595

Note: If the Plaintiff's Motion is denied, would the Clerk please inform her via collect call as soon as possible so that she can make arrangements to be in Monroe on 11/3/89, at 9:00 a.m. Thank you.

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE DIVISION

U.S. District Court
Western District of Louisiana
F I L E D Oct 26, 1989
Robert H. Shemwell, Clerk

Louella F. Benson,
Plaintiff

vs.

Glenn A. Ally,et al
Defendants

Judge Walter
Mag.Methvin
Mag.Simon

Motion to File Attached Motion

NOW comes Plaintiff,Louella F. Benson,pro se, and states as follows.:

Plaintiff received the new additional information found in attached Motion for Continuance on this date. Clearly, plaintiff made all efforts psssible to obtain answers to interrogatories and responses from Defendant Gibson. The case has just recently been assigned to Mr.Flowers. Mr. Gibson's July 1988 affidavit very much denies the damaging information

re plaintiff in what was represented as Gibson's 1985 affidavit by Mr. Brandt. Plaintiff has never met Mr. Gibson and Mr.Brandt made available to Dr. Ally and the Courts what he represented as Mr.Gibson's 1985 affidavit, and the facts in record show Dr. Ally (who does not know plaintiff) relied upon the Gibson 1985 affidavit, and all to plaintiff's ongoing detriment. Plaintiff prays that she will be allowed to file attached motion.

signed: Respectfully submitted,

Louella F.Benson,prose
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

Brief in Support of Motion:

Justice requires that Defendant Gibson be found and answer interrogatories underoath and produce documents as compelled by the Magistrate.

signed: Louella F.Benson

I certify that the original of foregoing and copies are being mailed to Court Clerk and opposing counsels as shown on attached Certification of Motion enclosed on this the 25th day of Oct.1989.

signed: Louella F.Benson

Would the Clerk please inform plaintiff of the Court's decision via collect call as soon as possible.Thank you.

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE DIVISION

U.S. District Court
Western District of Louisiana
F I L E D Oct 26 1989
Robert H.Shemwell, Clerk

Louella F.Benson,
plaintiff C.A.No.CV86-0489-L

vs. Judge Walter

Glenn A.Ally,et al Mag. Methvin
Mag. Simon
defendants

Motion to Inform the Court and for Continuance in View of New Information

NOW COMES Plaintiff,Louella F. Benson,pro se, and states:

Around noon this date (Oct.25, 1989) an attorney by the name of John R.Flowers of the firm of Stassi, Rausch & Giordano returned plaintiff's call referred to in plaintiff's filing of this date sent via overnight service on Oct.24. Mr.Flowers stated that he would be replacing Mr.Laughlin who has left the firm and that he

would be filing motions withdrawing Mr.Laughlin's name and to enter his name as counsel for Defendant Gibson. As to plaintiff's efforts to learn when she would obtain answers to interrogatories and response to request for production sent to Mr.Gibson on 8/19/89, in efforts to try to set up an attorneys' conference call and to meet the deadline to file the pre-trial Order on 10/30/89, and to obtain this crucial information,Mr. Flowers informed that it would be necessary for him to find Mr. Gibson and that Mr.Laughlin had not been able to locate him.

In view of the above and the fact that plaintiff is unable to prepare for trial until she has responsible answers to interrogatories and request for production from defendant

Gibson, plaintiff would ask the Court that the following be continued:

That the pre-trial conference set for Nov.3,and plaintiff's Motion to be Copied with any Information Not Made Available set for Nov.17,1989, be continued and reset at a date after Defendant Gibson is found and complies with Magistrate Simon's recent Order compelling answers to interrogatories and production;

That the case be continued and reset for trial at a later date in view of the delays in obtaining crucial disovery.

Plaintiff respectfully prays that her motion will be granted.

Respectfully submitted,

signed:Louella F. Benson,pro se
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

Brief in Support of Motion:

Plaintiff is unable to comply with the Judge's Order until she obtains discovery from Defendant

Gibson; the pre-trial order would have to be resubmitted again after Defendant Gibson produces and this information is necessary prior to the attorneys' conference,and prior to pre-trial conference.

Additionally,plaintiff made tentative reservations on 10/24/89,for 11/2/89, and the least expensive fare round trip to Monroe (with 7 days notice) is about $500.for airfare only; it is considerably more without notice. Thus plaintiff respectfully prays that her pending motion to be heard on 11/17/89 can be consolidated with the pre-trial conference at a later date, and if possible, on a Friday or a Monday to avoid the expense of making two trips.

Mr.Flowers suggested that plaintiff obtain continuance since he had just been assigned the case and had not yet made his appearance so he would have no objections. The facts show that Mr.Barousse got off the case during the summer and was replaced by the firm of Stassi,Rausch & Giordano, (Mr.Laughlin-who was to have met with Defendant Gibson in Lafayette, and who is no longer with the firm.) Finally,Mr.Flowers plans to make his appearance and Mr.Gibson cannot be found. While plaintiff understands Mr.Flowers' position in just taking over the case,the firm of Stassi, Rausch & Giordano have had this case for many months now and should have been able to make contact with their client Mr.Gibson, thus the defense should in no way

be allowed to benefit from delay in any way. The facts in the record show that plaintiff has been unfairly made a victim as verified by Mr. Gibson's 1988 affidavit, thus it is crucial that she obtains answers and responses from Defendant Gibson and in view of the new developments it would appear plaintiff has little choice but to ask for continuances. Plaintiff continues to experience adversity because the Courts were mislead.

In view of the geographical problems, the fact that plaintiff .....she would ask that the oral motion set for 11/17/89 and the pre-trial set for 11/3/89,both be reset to be heard orally at a later date after Gibson responds, and that the trial be delayed until after she

can obtain the above mentioned crucial discovery from Defendant Gibson.

.....as per the Magistrate's Order.

Respectfully submitted,

signed: Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

Certification:

I certify that the foregoing and attached motion to file motion (originals) are being sent for filing with two copies of each to the Clerk of Court,Mr.Robert H.Shemwell,U.S. Dist.Court-Western Dist.,106 Joe D. Waggonner Federal Building, 500 Fannin Street, Shreveport,La.71101,via overnight service on this the 25th day of October 1989.(Plaintiff request that a copy of each be forwarded to the Honorable Donald E.Walter in Monroe upon receipt, and that the additional copy be returned for plaintiff's files after filing.....)Plaintiff further certifies that a copy of each of the above Motions with proposed orders are being sent to the

following on this,Oct. 25, 1989, via first class mail:

John R. Flowers,Esq.
Stassi,Rausch & Giordano
1150 Lakeway Two
3850 N. Lakeway Blvd.
Metairie,La. 70002

Charles Brandt, Esq.
300 B Stewart Street
Lafayette, La. 70501

signed: Louella F.Benson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
STATE OF LOUISIANA

U.S.District Court
Western District of Louisiana
F I L E D
Nov 02 1989
Robert H. Shemwell, Clerk

Louella F.Benson C.A. No.CV 86-0489
vs. Judge Walter
Glenn A.Ally,et al Mag.Methvin
Mag.Simon

Response to Motion to Substitute Counsel of Record

NOW comes plaintiff,Louella F. Benson, pro se, and states as follows in response to defendant's communications received this date:

Defendant's counsel has listed Defendants Elton A.Arceneaux,former Sheriff of Acadia Parish,La.,Kenneth Goss, Present Sheriff of Acadia Parish, La. not any of whom are defendants in this case. Plaintiff must refer counsel for Defendant to her complaint.

For the record there are errors in your letter. In glancing at the letter, the pre-trial conference was set for Nov. 3, 1989, as shown in the Judge's Scheduling Order of May 1989, not for Nov. 30.

As to the hearing which you state in your letter received this date,which you said the Court ordered on this date in response to plaintiff's motion to compel answers to discovery requests addressed to Defendant Gibson, that is the first I have heard of such a hearing, and am certain the Court would have noticed me. On the contrary,your client was compelled by the Magistrate to answer the interrogatories and produce the documents by Oct.31, 1989, and which were sent to the firm of Stassi,Rausch & Giorando on Aug.19, 1989. To my knowledge the Magistrate's

ruling has not been appealed. As you know by now, Motions for continuance were filed last week due to delays by Defendant Gibson and above law firm, making it impossible to meet the Court's deadlines in preparing for trial. Infact, on Oct.30,Plaintiff called the docket clerk to learn if the continuances had been granted and learned that they had not been acted upon and at no time was plaintiff informed of any hearing for 10/31. As you know plaintiff is in Virginia. Since motions were filed only last week the Court has probably not had time to rule which is why we have not heard.

Would ask for your cooperation in finding your client forthwith and complying with the Magistrate's Order

of Oct.1989. Plaintiff was informed that Defendant Gibson was in Lafayette.

Respectfully submitted,

signed:Louella F.Benson,pro se
6432 Montrose St.
Alexandria,Va.22312
703 256 7595

I certify that a copy of the foregoing is being sent via first class mail on this the 31th day of Oct.1989 to the following:

Joseph W.Rausch,Esq.
John R.Flowers,Esq.
Stassi,Rausch & Giordano
1150 Lakeway Two
3850 N. Causeway Blvd.
Metairie,La. 70002

Charles Brandt,Esq.
300 B Stewart St.
Lafayette,La. 70502

I certify that on Oct.31,1989, the original and two copies are being sent to the Clerk, Mr.Robert Shemwell,U.S.Dist.Court,106 Joe D. Waggonner Federal Building,500 Fannin St., Shreveport,La.71101 with a self addressed stamped envelope for copy to be returned for my files after filing in record. signed Louella F. Benson

STASSI, RAUSCH & GIORDANO
A Professional Law Corporation
1150 Lakeway Two
3850 North Causeway Boulevard
Metairie, Louisiana 70002
October 26, 1989 Telephone
John A.Stassi,II 504 837-7171
Joseph W.Rausch
Lucas J.Giordano
James E. Hirtz
Michael J. Laughlin
John R.Flowers,Jr.

Mrs. Louella F. Benson,Pro se
6432 Montrose Street
Alexandria, Va. 22312

Re: Benson vs. Ally,et al
USDC #86-0489-L
Our File: 25-4391

Dear Mrs.Benson:

This is to confirm our telephone conversation of October 25,1989,regarding various matters pending in the captioned lawsuit.

As I informed you, Michael J. Laughlin is no longer associated with this firm and I have taken over the responsibility for handling this file.

This will also confirm that attempts by Mr.Laughlin to locate

former Deputy Gibson before he left this firm were unsuccessful and I am continuing that effort. In view of the fact that your interrogatories and requests for production of documents are addressed to former Deputy William C.Gibson,defendant in this matter, the information for the answers can only be furnished by him and then placed in proper form by us as his attorney for transmittal to you.

You further advised me that you have written to the court requesting a continuance of the pre-trial conference which is presently set,according to my calendar, for November 30, 1989, and for a continuance of the trial on the merits which is presently set for Monday,December 4, 1989.

I believe I am correct in stating

that we both agree that a continuance is needed in order to permit you to put together plaintiff's portion of the pre-trial order and for me to put together the defendants' portion of the pre-trial order with reference to the answers to the discovery requests propounded by you to former Deputy William C. Gibson.

I invite your attention to the fact that the Court has ordered a hearing on October 31, 1989, in response to your motion to compel answers to discovery requests addressed to Mr. Gibson. I am requesting that you ask the Court to continue that hearing in view of the circumstance which we discussed this mor ning, and which are outlined above.

My file also reflects that the Court has set oral argument on Fri.,

day, November 17, 1989, on your motion to be copied with any information not made available. Again,this motion by you goes to the answers to interrogatories and requests for production propounded to former Deputy William C.Gibson. Consequently, I would respectfully request that you ask that that hearing be postponed so that we can avoid what may well be unnecessary pre-trial activity, and get this case ready to be tried on a new date set by the Court in response to your motion to continue the pre-trial conference and the trial date.

I am this date preparing a Motion to have Michael J.Laughlin withdraw as counsel of record and to substitute myself in his place, and I will send this to the Court

for signing by the Judge.

I am grateful for your courtesy and consideration in our discussion of this case yesterday morning, and I assure you that we will work diligently toward a resolution of this matter to the satisfaction of all concerned.

If you have any questions, or responses to any portions to this letter, please do not hesitate to telephone me.

Yours very truly,

signed: John R. Flowers, Jr.

JRF/jgm

UNITED STATES DISRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE DIV.

LOUELLA F.BENSON
VS. C.A.No.86-0489
Sec. "L"
GLENN A.ALLEY,ET AL
Judge Walter
Mag.Methvin

INTERROGATORIES TO WILLIAM C.GIBSON
and Request for Production

c/o Michael J.Laughlin,Esq.
(for Former Deputy William C.Gibson
1150 Lakeway Two
3850 N. Lakeway Blvd.
Metairie,La. 70002

Interrogatories and request for production are being sent for Defendant William C.Gison,former Sheriff Deputy for Acadia Parihs, La.,to be answered fully in writingby him personally underoath within (15) days in accordance with F.R.C.P.

1. State your name,education,present and former occupation?

2. Explain fully why you are no longer working as a Deputy for Acadia

Parish,La., and if you know why former deputy D.H.Zaunbrecher no longer works there please so state?

3. State if, when, anyone solicited an affidavit from you re me (LF), and identify fully any party,including their address, who solicited an affidavit from you concerning plaintiff?

4. If you provided any such information to anyone please state to who you made such information available, and if you have copies of any such information in your possession,or in anyone else's posession,please provide copies of any such information which you personally wrote and signed?

5. Have you at any time seen the plaintiff?

6. Please provide copy of anything which you personally wrote re plaintiff?

7. Did you at any time write and/or sign an affidavit in which you stated re plaintiff that "I had an uncomfortable feeling about the woman's state of mind", and if so please state when and give names and addresses of all parties to whom it was made available?

8. Did you at any time write and/or sign an affidavit in which you stated re plaintiff that: "The next day I saw Mr.Bearb and asked him if this lady was mentally unbalanced", and if so please state when you wrote or signed such affidavit and give names and addresses of all parties to whom it was made available?

9. In who's office and under who's supervision was the affidavit of March 20,1985,showing your name prepared,and give the Parish with the full name and

identification of the notary public?

10. Did you write,read and sign an affidavit on March 20, 1985,and if so please provide a copy of it?

11. Did you write,read and sign an affidavit in Lafayette,La. on July 7, 1988, for summary judgment, dismissal, which reads re plaintiff:

> "I have at no time ever made any statement,sworn or otherwise, regarding the mental condition of Louella F.Benson. I have not submitted any reports, affidavits or any other type of information to Glenn A.Ally,Ph.D," and if so

please provide a copy of same?

12. Please give the name and address of all parties with who you have discussed this matter,including any attorneys?

13. Did you request that your former attorney be removed from this case, and if you know why there was a change

in attorneys please explain fully?

The above interrogatories are continuing and the party responding to them is under the duty to supplement his responses to include information thereafter required.

signed: Louella P.Benson, pro se
6432 Montrose Street
Alexandria, Va. 22312
703 256 7595

I certify that the original and a copy of the foregoing are being mailed via first class certified mail on this the 19th day of August 1989 to Michael J. Laughlin,Esq.(for former Deputy William C.Gibson),1150 Lakeway Two,3850 N.Lakeway Blvd.,Metairie,La. 70002.

signed Louella I. Benson

Please return original to Plaintiff.

6432 Montrose Street
Alexandria,Va. 22312

July 9, 1990

Honorable Gilbert F.Ganucheau
Clerk U.S.Court of Appeals
Fifth Circuit
600 Camp Street
New Orleans,La. 70130

Re: 90-4393
Benson vs. Glenn A.Ally,et al

Dear Mr.Ganucheau:

Enclosed via overnight service is the original and three complete copies of Appellant's Petition for Rehearing along with Attachments A-1 through A-14 for filing. Please return a copy for my files after filing.

I am filing this petition to be heard en banc. My copy machine broke on me this afternoon and will forward the remaining copies to you via overnight service tomorrow.Please allow.

I am placing copies in the mail to opposing counsels on this date...

VTY

signed: Louella F.Benson,pro se
cc: Joseph W.Rausch,Esq. w/attachs.
Charles Brandt,Esq. w/attachs.

IN THE
UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

NO. 90-4393

LOUELLA F. BENSON Filed 7/10/90
Appellant

vs.

GLENN A. ALLY, ET AL,
Appellees.

PETITION FOR REHEARING

TO THE HONORABLE JUDGES OF THE
FIFTH CIRCUIT (En banc)

NOW COMES, LOUELLA F.BENSON, Appellant pro se, and states as follows:....

underscore added

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE

LOUELLA F.BENSON, Filed
plaintiff 12/11/90

vs. C.A.No.CV86-0489-L
Judge Walter
GLENN A.ALLY,ET AL, Mag. Methvin
Mag. Simon
defendants.

MOTION TO FILE ATTACHED MOTION

NOW comes Louella F.Benson, plaintiff pro se, and states as follows in support of this motion and in support of attached Motion to Inform the Court in View of New Information,etc.

Plaintiff learned this week that Defendant William C.Gisbon is indeed in Lafayette and resides at 212 Aspen TR, Lafayette,La.,Phone number 318-235-0046. As shown attached to plaintiff's Motion For Reconsideration of Court's Order of Nov.3,189, copy of

letter dated Oct.26,1989,from Mr. Flowers of Stassi,Rausch & Giordano, to plaintiff, counsel for Def.Gibson wrote plaintiff: (filed in record)

> "...As I informed you,Michael J. Laughlin is no longer associated with this firm and I have taken over....This will also confirm that attempts by Mr.Laughlin to locate former Deputy Gibson before he left this firm were unsuccessful and I am continuing..

As shown by copy of plaintiff's letter of 9/15/89 to Mr.Laughlin and Joseph W.Rausch,Esq....and filed in record with plaintiff's Motion for Reconsideration of Court's Order of Nov. 3, 1989, counsels knew that Mr.Gibson is in Lafayette because Mr.Laughlin told plaintiff as she so represented:

> "You mentioned that it would be necessary for a lawyer to go to Lafayette and meet with Mr.Gibson but that should not take any longer than one day.You agreed to send me the answers via overnight service. You are aware of the seriousness of the matter to my ongoing detriment,regardless of where the blame lies,e.g.dissemination."

Also as shown in letter of Oct.26,1989, to plaintiff from Stassi,Rausch & Giorando filed in record,Attorney Flowers wrote:

"I believe I am correct in stating that we both agree that a continuance is needed in order to permit you to put together the plaintiff's portion of the pre-trial order and for me to put together defendants' portion of the pre-trial order with reference to the answers to the discovery propounded by you to former Deputy William C.Gibson."

"I am requesting that you ask the Court to continue that hearing in view of circumstances...outlined above..so that we can avoid what may well be unnecessary pre-trial activity...."

As to hearing of 10/31/89 re Motion to Compel answers from Gibson which Mr.Flowers mentions in letter to plaintiff and which was received by her on 10/31/89,as documented in plaintiff's filing of Nov.2,1989,at no time was plaintiff notified of a hearing on 10/31/89,not even when

she called the Clerk's Office on 10/30/89 to learn if her Motions for continuance made necessary by Defendant Gibson's delays and after request from his lawyer.... Too, to plaintiff's knowledge,the Mag.'s Order of Oct.16,1989,ordering "that defendant William C.Gibson,no later than Tuesday,Oct.31, 1989, answer the interrogatories and properly respond to the request for production which were sent to him by the plaintiff.. through his attorney of record, on Aug.19, 1989, was not appealed to the Judge,and as shown in the record prior to and with plaintiff's letter of Dec. 4, 1989, she requested that she be copied with any information made available to the Court.

It appears that Stassi,Rausch & Giorando were not diligent in their obligations to see to it that their client answer the interrogatories and produce as ordered by the Magistrate and that they used delaying tactics and that the defense et al are well serv ed by such delays and denials of due process, all to plaintiff's ongoing detriment while their client has been ignoring a Court Order since 10/16/89, and plaintiff is being punished as shown by Court's order of 11/3/89.

Respectfully submitted,
signed Louella F.Benson,prose

.....Defendant Gibson was the only affiant with nothing to gain in that case and he very much denies the damaging information in 1985 affidavit in his July 1988

affidavit. Facts show plaintiff's property in La.has been attached, which property Ewell J.Faul had plans to take complete control of in 1981 before he and other defendants in subject case sued plaintiff in 1983 when she insisted on bidding on improvements of her deceased parents,and other family defendants in subject case also wanted the property as shown in the record by the executor Leslie Faul "...will fight you in the Courts and otherwise to keep you from getting it." underscore added.Property attached after plaintiff spent $30,000.on improvements. There are even efforts in La. to deny plaintiff owns the property in spite of cancelled checks,record-deeds.(with approval of all heirs)...

signed Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

I certify that this Motion and attached motion to Inform the Court are being sent via express service on this the 10th day of Dec.1989 via overnight service to the following:

Hon.Robert H.Shemwell
Clerk,U.S.Dist.Court
106 Joe D.Waggonner Fed.Bldg.
500 Fannin Street
Shreveport,La.71101

Joseph W.Rausch,Esq.
Stassi,Rausch & Giorando
1150 Lakeway Two
3850 N.Causeway Blvd.
Metairie,La.70002

Mag.John F.Simon
Federal Courthouse
Alexandria,La.

signed: Louella F.Benson,pro se

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE

LOUELLA F.BENSON,
plaintiff

vs.

GLENN A.ALLY,ET AL,
defendants.

C.A.
No.CV86-0489-L
Judge Walter
Magistrate Methvin
Mag.Simon

MOTION TO INFORM THE COURT IN VIEW OF NEW INFORMATION,FOR RULING AND TO DELAY PHONE CONFERENCE ORDERED on 12/12/89 UNTIL AFTER DEFENDANT COMPLIES WITH ORDER BY MAGISTRATE OF OCTOBER 16, 1989

NOW comes plaintiff, Louella F. Benson, pro se, and states as follow in support of this Motion:

Please see contents of attached Motion to File subject Motion which plaintiff encorporates in support of this Motion. Clearly,Defendant Gibson is indeed in Lafayette at 212 Aspen TR, 318 235-9046. He is ignoring the Magistrate's order of 10.16.89 to plaintiff's detriment and as documented herein and in the record Stassi,Rausch & Giordano,

his lawyers are using delaying tactics to plaintiff's detriment.Since the Court was mislead that Gibson could not be found and he is ignoring a Court order, plaintiff respectfully prays for the following:

"That the conference to confer with Mr.Rausch be cancelled on 12/12/89 and reset at a date after Defendant Gibson complies with the Magistrate's order of 10/16/89;"

"That Mr.Rausch be ordered to have his client comply with the Magistrate's Order forthwith;"

"That if any information was made available to the Court without copying this plaintiff that same be furnished to her by opposing counsel forthwith."

In view of the enclosed documentations and that in the record, plaintiff also respectfully prays that the Court will rule on her Motion for Reconsideration in the

record and especially in view of the fact that unlike it was represented,Gibson is indeed in Lafayette as verified this week and continues to ignore the Magistrate's Order of Oct.16,1989.

Respectfully submitted,
signed: Louella F.Benson

Brief in Support of Motion:

Plaintiff prays the Court will rule favorably on her Motion for Reconsideration. As documented in motion and in record, plaintiff did make all the efforts to meet the Court's standing order but when she again called Stassi,Rausch & Giando on 10/24/89, the secretary who answered the phone (Christen) did not even know who was handling the case and Mr.Laughlin was no longer

there and he had not filed a motion to be removed from the case. Facts show that plaintiff bent over backwards to cooperate with opposing counsels in good faith while they were using delaying tactics to her determinent and their client is ignoring a Court order.....

Respectfully submitted,

signed: Louella F.Benson,prose
6432 Montrose St.
Alexandria,Va.22312

See certification on attached Motion to File this Motion.

signed: Louella F.Benson

Will the Clerk please see that extra copy is hand-carried to the Judge on 12/11/89, and would appreciate consideration prior to ...12/12/89. Thank you.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE AREA

LOUELLA F.BENSON,
plaintiff,

v. C.A.No.CV86-0489-L

GLENN A.ALLY,ET AL, JUDGE WALTER
defendants.

MOTION FOR RECUSAL

NOW comes plaintiff,Louella F. Benson, pro se, and states as follows in support of this Motion:

As shown attached at Exh.1,in CV87-0967,Benson vs.Sibille,et al, Western District Senior U.S.District Judge Richard J.Putnam recused himself from that case because "he had formed an opinion of this case", and the case was re-assigned to another Judge. (Volunteered recusal A-194)

For the reasons shown in the entire record of this case and as shown below with attachments,plain-

tiff most respectfully request that the Court consider recusal in subject case because he has been mislead and prejudiced for a long time, making due process and objectivity impossible,and plaintiff is being further harmed.

Respectfully submitted,

signed: Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va. 22312
703 256 7595

Brief in Support of Motion:

Please see letter from plaintiff of June 12,1988 to the (Exh.2) Clerk of Court (reprinted A-68-70) in subject case warning that plaintiff may not be able to attend the hearing of her motions scheduled in Monroe on June 17,1988, and requesting that the Clerk inform the Judge,and conveyed her apologies in the event she could not make it because of her husband's surgery. Note at No.3attached pg. 6 of the docket

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F.BENSON C.A.No. 87-0967
VS Judge Putnam
MICHAEL SIBILLE,ET AL Mag.Methvin

O R D E R

For the reason that I have heretofore formed an opinion of this case, I hereby formally recuse myself and request that the above captioned matter be assigned to another Judge.

Lafayette,Louisiana,this 22nd day of November, 1989.

signed: J. Putnam
Senior U. S. Dist.Judge

Copy sent
Date 11-22-89
By DG
To: Benson,Burson,Jr.,Joy,III
RVW, MB

U.S.District Court
Western District of La.
F I L E D
Nov 22 1989
Robert H. Shemwell Clerk
By DG - deputy

sheet, No.164 on 6/15/88,(reprinted A.71) the Clerk did notify Monroe timely. As shown at Exh.4, attached (reprinted A23) attached by order of Court on 6/19/86, plaintiff is not allowed to communicate with the Court. (In June '86 plaintiff was trying to rebut opposing counsel's communications to the Court for good cause; the record shows opposing counsel Brandt was allowed to continue writing the Court, and/or copying the Court directly which added to the time disadvantage in view of geographical problem and in one instance decision was made before plaintiff's response reached the Court.

90-110

As shown at Exh.5 (reprinted A/) plaintiff's motion to evaluate her brother who has created lots of unwarranted unhappiness in her life (see motion,etc.in record), was returned

unsigned by the Court and scheduled to be heard on June 17,1988 (A-57-61) as was her motion to obtain answers to interrogatories, Exh 6, (reprinted A60) as was her Motion for Ruling on her Motion to evaluate her defendant brother, (A58.) (90-110) all as shown on Minute Order of 4/28/88 at No.8 attached reprinted (A-57).....

and in addition to the above mentioned motions, her motion to compel answers included all interrogatories since not any have ever been answered, she had refiled them; not only the 3rd set. (The record shows that plaintiff had sent to her brother and the principal defendants interrogatories on 4/19/86 and instead of answering the crucial questions her brother and his counsel

sent the Court a Motion for a Mental Evaluation of her on 5/2/86. Infact, as shown in record plaintiff is the only one with objective facts to show she does not have the mental problems and does not need treatments, as shown by her husband's affidavit A- 86-89 in record, after she volunteered for evaluations and testings after heart injury, but her brother and his counsel were making plans to have her treated instead of answering any interrogatories, including re himself, and he had sued plaintiff with some of the other defendants in 1983 after she insisted on bidding on the improvements of her deceased parents after he had written plans to take complete control of the Paul Estate in Oct.1981 (executor had threathened

to fight plaintiff in Courts and otherwise to keep her from getting it shortly afterwards in 1981,and just after plaintiff had submitted a bid and executor had also responded "No Bids" with above threats, all of which was entered in record and three above documents again included at Exh. 11 (Reprinted A81-83.Such treatment plans were unwarranted, illegal, criminal and in violation of her personal privacy and marital rights by her brother and counsel who deny she is married! See her husband's (of 13 yrs.) affidavit 11-a attached.

Exh.12 is a copy of the transcript of the hearing of 6/17/88 where plaintiff was unable to attend(reprinted at A-64-7). As shown the Court was prejudice;

plaintiff had no idea the Court would be calling in view of having been told not to communicate with the Court; she was preoccupied because her husband had an adverse reaction from the surgery meds and could not walk for a while; the answering service is in a damp basement and sometimes affected adversely by climatic conditions. To plaintiff's knowledge that was the only hearing which had been held in Monroe at that time. However the Court said, "She doesn't show up at these hearings." pg. 3, L-9-10 at L-5-7 the Court said "...I thought the record would speak for itself." (reprinted A 64-7). This shows that the Court has indeed formed an opinion of this case when he was being mislead.

Inspite of plaintiff having very good cause for not attending hearing, the Court did not consider nor reschedule her discovery motions which were to be heard on that date but enforced the sanctions of dismissal of the lawsuit, apologies to opposing counsel because he had to travel from Lafayette to Monroe, and suggested he ask for Rule 11 Sanctions. Exh.13 (reprinted at A75-80 attached is a copy of plaintiff's affidavit of July 27, 1988, which is self-explanatory re this matter, along with a copy of plaintiff's letter of 6/25/88, and her letter of-6/30/88 which goes into plaintiff not having been copied,including in CV84-2540 and CV84-2541 prior to rulings adverse to her in all cases, including subject cases and the misrepresentations filed prior to rulings

without copying plaintiff affected subject cases also because they derived from those cases and 89-191-B in 1983, E.J. Faul et al vs.Benson, in which she was also denied due process.

Too, not any of the "affidavits" were ever subjected to cross-examination, they included hearsay untruths denied to plaintiff's lawyer many years A-121 ago but used by the defendant in 1984-85 in efforts to deny her rights after she had lived away from them and La. for about 30 yrs., which is unconstitutional, and infact all the same "affidavits" including Ally's statement after he was furnished the affidavits" were rejected by two Judges in the Western District earlier as shown by orders of Magistrate Methvin of 1985 and confirmed by Judge Shaw

in June 1985 as shown at No.14 attached, (reprinted at A-111-118 and in which all parties were warned of sanctions,etc. for future unchecked harrassment by embittered relatives and the defendants were fined, but instead of answering interrogatories they continued to harrass with psychiatry and mislead this Honorable Court to cover up their actions. As shown at Exh.15 attached when plaintiff finally learned about the false forgery in 1984 from her Deputy brother-in-law who trespassed and falsely accused her of committing forgery in Houston many years earlier and threathened to have her arrested on false charges, when plaintiff filed a motion in Feb.of 1986 to learn all opposing counsel had found out about such untruths because she has sworn underoath

several times as shown in record that she has never committed forgery nor any crimes and in no way did she indicate such a thing to anyone at any time), she received notice of the filings having been made in St.Tammey Parish,La! and her Feb. motions were ruled untimely filed but counsel for the Sheriffs et al in CV84-2540 Bearb case, filed a motion for S.J. on the day before trial, without motion to file late motion, and same was allowed, while at the same time the Sheriffs cannot find the letter plaintiff had hand-carried to the Sheriff of Crowley in 1984 with complaint re the false forgery and to seek his help to prevent more harm, although it was signed for by a deputy;)reprinted at A137); there was no

investigations, only more abuses. These are examples of why subject case should not have been decided until she obtained due process in other cases; reasons legion.

As shown in record, the case could not be appealed for fewer than all defendants and this pro se plaintiff was indeed ignorant of that. Also, it is very true that she disobeyed a Court Order and did not attend a mental evaluation in La.by her brother's selected psych.after her brother had threathened in 1981 during estate matters that if she came to La. he knew a doctor who would help him railroad her in an institution, and she knew their motives was to deny due process and obtain her property with the misuse of psychiatry. Plaintiff was made

to take the blame for those with addiction problems and instead of due process she was made the victim as needed again for their "victories".

It was very disturbing to have to disobey a Court order and she would again express regrets, but the truth is she simply had more confidence in the discretion of the Court than to be subjected to the La.psych her brother selected in view of his prior actions as above stated, and in view of their having obtained Ally who does not even know plaintiff as above mentioned, ignoring all rules of psychiatry and which was rejected after plaintiff, pro se, submitted rebuttal affidavits as shown in the record.

As shown in record with plaintiff's Motion to Compel filed on 28th day of Sept.1989, attached at Exh.7 of

same is a copy of Defendant Gibson's affidavit in quotes of 7/7/88 (reprinted at A 122 in which he swears underoath:

> "I have at no time ever made any statement, sworn or otherwise, regarding the mental condition of Louella F.Benson. I have not submitted any reports, affidavits or any other type of information to Glenn A. Ally, Ph.D."

However, as shown at Exh.5 attached to filing of 9/28/89, Defendant former Officer William C.Gibson's affidavit (reprinted at A 125), or that which was represented to plaintiff, the Courts and Dr. Ally as Gibson's affidavit of 3/20/85 and who was the only objective affiant with nothing to gain in this matter, and which Dr.Ally indeed relied on as shown in record for his report and which shows that Counsel Brandt made the 3/20/85 affidavit available to Ally, Gibson swore to untrue statements re this plaintiff, including

re the statement about mentally unbalanced, and infact neither Gibson nor Ally know this plaintiff and have never seen her. See plaintiff's rebuttal affidavits at Exhs.6,etc. attached to filing of 9/28/89.(1985 rebuttal affidavit re Gibson reprinted at A129 with attachments.)

The Court then issued an Order.. that Gibson had shown compelling evidence (reprinted A246-7) that he had not made any information available to Dr. Ally, and he allowed both plaintiff and defendants to present supporting information. However, after plaintiff made her filing as shown in record with attachments, to her knowledge, the defendants did not respond--neither opposing counsels for any of the parties.

The insurance company for

Defendants Gibson and the Sheriffs changed counsels, and as shown in record as soon as a new counsel was admitted plaintiff sent interrogatories for Defendant Gibson to answer. After due delay and no answers, as shown in record by her letter of 9/15/89, plaintiff called the new counsel, who requested that she agree to more time because he had to go to Lafayette and meet with Gibson, to which plaintiff agreed as shown in that letter. As shown by letter from Mr.Flowers of 10/26/89, Exh.1 of Motion for Reconsideration of Court's Order of 11/3/89 as shown in record, plaintiff again cooperated to extend more time after she was informed that Mr.Laughlin was leaving the firm, and Mr.Flowers would take over. See plaintiff's

response to Substitute Counsel of Record, attach. 2 filed on 11/2/89, and in which she noted corrections, errors in opposing counsel's letter of 10/26/89 (reprinted at A 165) and again asked for their cooperation in obtaining answers from their client to her interrogatories and requests for production ordered by Mag. Simon on 10.16.89 in response to plaintiff's motion to compel etc. (reprinted at A11-14) and which orders counsels had not appealed. Note Mr. Flowers states that efforts to find Mr.Gibson were not successful; that he had to put in his appearance and

> "I believe I am correct in stating that we both agree that a continuance is needed in order to permit you to put together plaintiff's portion of the pre-trial order and for me to put together the defendants' portion of the pre-trial order with reference to the answers to the discovery requests propounded by you to former Deputy William C.Gibson."

However,while defendant Gibson was ignoring the Magistrate's order, and plaintiff was trying to cooperate with his lawyers in allowing more time to obtain answers and the benefit of the doubt because she needed this information "to put together plaintiff's portion of the pre-trial order...." as opposing counsel admitted, on Nov.3, 1989, as shown in record, (order reprinted at A16-22) and attached to plaintiff's motion for Reconsideration filed on 11/13/89, the Court punished plaintiff;

"Plaintiff has failed to submit a joint pre-trial order...In accordance with the sanctions contained in Rule 16, this case is REMOVED from the pretrial and trial dockets, and further proceedings in this case are STAYED."

Note that plaintiff's letter of 9/15/89 to Mr. Laughlin of Stassi, Rausch & Giordano, shows that she

sent 3 copies

to the Clerk and said:

> "As soon as the Court signed the Order entering this firm, I sent the interrogatories, all in efforts to comply with the Judge's Order. .....in view of the Court's Order of 5/10/89, "It is the duty of all cousel to notify the Court in writing if after reasonable effort, any party cannot obtain the cooperation of othe counsel", and to assure that I obtain responsible answers from Mr.Rausch's client by 9/25/89, I am requesting that the Clerk of Court make a copy of this letter available to the Judge and Magistrate."

The order of 5/10/89 was the pre-trial Order with instructions, and plaintiff was trying to obtain answers and compliance of Magistrate's Order from defendant by 9/25/89 to make certain to comply and prepare pretrial Joint order timely which facts show she has previously done timely in Western District.

Of most importance, and as shown with her filing of Dec. 11, 1989, Motion to File Attached Motion, and Motion to Inform the Court of New Information, after she decided not to be so trusting and checked, she found that Defendant Gibson was indeed in Lafayette and listed in Lafayette at 318 235 9046, 212 Aspen TR, Lafayette, La.,but not one of the three new counsels with Stassi, Rausch & Giordano had located him to comply with Court order/(and he apparently did not check with his lawyers as required), they delayed and plaintiff was punished. Note too, with her Motion to Inform the Court filed on Oct. 25, 1989, (reprinted at A145-53 and again with Motion for Reconsideration filed 11/13/89):

A 181-191

> ".....On Oct.16,1989, Mag.Simon ordered defendant Gibson answer the interrogatories and properly respond to the request for production, no later than Oct.31, 1989,....

....plaintiff was waiting on this information prior to contacting opposing counsels for attorneys' conference and she would need this information prior to completing the Pre-trial Order per the Court's Order of 5/10/89."

Note too, in her Response to Motion to Substitute Counsel filed on Nov.2, 1989,(reprinted at A 165-68, plaintiff expressly wrote:

"...as you know by now, Motions for continuance were filed last week due to delays by Defendant Gibson and above law firm, making it impossible to meet the Court's deadlines in preparing for trial. Infact, on Oct.30, Plaintiff called the docket clerk to learn if the continuances had been granted and learned that they had not been acted upon and at no time was plaintiff informed of any hearing for 10/31...

Inspite of plaintiff's Motion for Reconsideration of Court's Order of 11/3/89, and attachments explaining what had transpired, proposed order was returned unsigned, and her Motions to File Attached Motion and Motion to

Inform the Court in view of New Information were returned marked filed as to the former and marked received as to the latter and attachments.

Facts show in record that plaintiff made a number of attempts to obtain information which the record indicates was not made available to her by defendants but she was not successful, and that includes any protective orders. Counsel Brandt had indicated he was forwarding a proposed Order to the Judge which plaintiff was never copied with. Plaintiff includes all prior citaions, including the New York State Supreme Court case in 1988 where Justice Joseph Fritsch ordered release of sealed court records involving settlements in 1988 between Xerox and two New York familes...

"Wrongdoers who want to cover their tracks will have to think twice before labeling their negligence a "trade secret" or otherwise hiding vital facts from public view."

Plaintiff also invokes the F.R.C.P. Art. 967 of La. Code of C.P., but not limited to same; the 5th and 14th Amendments of U.S. Const. but not limited to same. (As shown at Exh.16,in 1987 E.J.Faul testified he owned Faul Energy TR 227-8 but for S.J. told Ct. he only had a few shares.....Further, opposing counsels, in plaintiff's opinion, are aware that the Court has been prejudiced. During the very brief conference on 12/12/89 between Mr.Rausch, the Judge and plaintiff, after plaintiff simply informed that she was trying to obtain answers to interrogatories and request for Production as per the Magistrate's Order and pointed out

Defendant Gibson was in Lafayette at the address shown above, the Judge pointed out that they were to comply if they could find him, after plaintiff had verified he was in Lafayette. Finally,Defendant Gibson submitted some evasive answers, memory laspe and not under oath as requested and required.....

signed: Respectfully submitted,

Louella F.Benson, prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

Certification to opposing counsels Joseph W.Rausch and Charles Brandt.

signed: Louella F. Benson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

LOUELLA F. BENSON C.A.No.CV86-0489-L

VERSUS Judge Walter

GLENN A. ALLY,ET AL

MEMORANDUM IN OPPOSITION TO
MOTION TO RECUSE JUDGE WALTER

Defendants have just received plaintiff's "Motion For Recusal" and are mystified as to the legal grounds even claimed for such action. The eight page "Brief" in Support thereof defies critical analysis and does not merit refutation.

We have a trial date,which at lease will bring one chapter in the endless saga to a conclusion.

Defendants urge that plaintiff's Motion for Recusal is devoid of merit and should be dismissed as submitted without further proceedings.

Respectfully submitted,
signed:Joseph W.Rausch #11394
3/6/90 Stassi,Rausch & Giordano

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

NO. 90-4303

LOUELLA F. BENSON
PLAINTIFF

VS

GLENN A. ALLY,ET AL
DEFENDANTS

MOTION TO DISMISS NOTICE OF APPEAL

NOW comes defendants, Elton A. Arceneaux,former Sheriff of Acadia Parish, now deceased,William C. Gibson, former Deputy Sheriff of Acadia Parish; Kenneth Goss,Sheriff of Acadia Parish; and Southern American Insurance Company,moving this Honorable Court for an Order dismissing plaintiff Louella Benson's "Notice of Appeal"of the Trial Courts denial of plaintiff's Motion to Recuse Judge Walter since such order is not a final judgment as required by 28 USC 1291,and does not fit any of the exceptions provided by 28 1292..

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NO. 90-4303

LOUELLA F. BENSON
PLAINTIFF

VERSUS

GLENN A. ALLY, ET AL
DEFENDANTS

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS NOTICE OF APPEAL

Plaintiff, Louella F. Benson, has filed a "Notice of Appeal" from the rulings of the Honorable Judge Stagg's Minute Entry of April 13, 1990 and May 14, 1990, which denied plaintiff's Motion to Recuse Judge Walter.

Plaintiff's Notice of Appeal is frivolous, failing to make a reasonable inquiry into the law and should be the subject of appropriate sanctions by this Honorable Court.

A ruling on a Motion to Recuse is not a final judgment as required for appeal by 28 USC 1291 and an

Interlocutory Appeal will not lie from the denial of a Motion to Disqualify a Trial Judge. United States v. Gregory, 656 F 2d 1132 (5th Cir. 1981). It is hornbook law that the denial of a motion to disqualify a trial judge is not a final appealable order.

28 USC 1292 is specific as to those limited instances when an interlocutory decision may be appealed and a motion to disqualify is not a "controlling question of law" which might be appealed by prior authorization and leave of the Trial Court when such request has been made within ten (10) days of entry of the order from which the appeal is to be taken.

Plaintiff has not obtained prior leave of court to file "Notice of Appeal"

Plaintiff did not seek leave of court within ten days of the entry of the April 23,1990 order denying plaintiff's Motion to Recuse.

Plaintiff continues to waste the Court's valuable time with frivolous motions and should the subject to appropriate sanctions.

Plaintiff,although unrepresented by competent counsel by choice or otherwise,must not be allowed to dabble in Federal Court procedure,but must be held to some minimal standard,at lease in fairness to defendants who must also comply with the edicts of Federal law.

No hearing is needed in consideration of this Motion.

Respectfully submitted,
signed: Joseph W.Rausch
Stassi,Rausch & Giordano

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS-MONROE AREA

LOUELLA F.BENSON, C.A.No.CV86-0489-L
PLAINTIFF, JUDGE WALTER

v.

GLENN A.ALLY,ET AL,
DEFENDANTS,

U.S. District Court
Western District of La.
F I L E D
May 03 1990
Robert H. Shemwell,Clerk

MOTION TO WITHHOLD FINAL RULING OF MINUTE ENTRY OF APRIL 23,1990

NOW comes plaintiff,Louella F. Benson,pro se, and states as follows in support of this Motion:

Plaintiff would ask the Court to withhold final entry of the Minute Entry of 4/23/90 until after she has had an opportunity to pursue her due process rights,etc. and is requesting the following:

If any responses have been made to plaintiff's Motion for Recusal

by any parties other than the one brief paragraph entitled Memo in Opposition to Motion to Recuse Judge Walter with cover letter of March 8, 1990 by Joseph W.Rausch, Esq., plaintiff is requesting that she be copied with an opportunity to respond prior to final ruling. If any verbal responses have been made by any parties, she is requesting that same be reduced to writing and that she be copied with same prior to final ruling with an opportunity to respond prior to final ruling.

This request is extremely important to avoid further harm to plaintiff because false statements have been filed in the Western District re this plaintiff prior to

rulings adverse to her and without even copying her until she learned about it after rulings and asserted herself at which time some of the filings were made available to her.

Plaintiff would also ask that she be copied prior to final ruling with any other materials made available to the Courts in subject and related cases by anyone,including any orders or proposed orders,any attachments,etc., which were not made available to her for any reason. She would ask that the minute Order of 4/23/90 not be circulated until after complete due process.

Plaintiff would also ask that final ruling be withheld until after she has had an opportunity to obtain discovery in related areas from people with interest in subject

and related cases in that, that too would reflect on her Motion for Recusal. See prior filings.

Respectfully submitted,

signed: Louella F.Benson,prose
6432 Montrose Street
Alexandria,Va.22312
703 256 7595

Brief in Support of Motion:

Plaintiff is submitting this motion in view of an ongoing pattern of abuses in her life of unlawful activities with secret processes which pose special threats to her social well-being and her property and economic rights and she had infact pleaded in subject case a fraudulent scheme to take unfair advantage of her in business matters and to deny her rights, which are far-reaching with important ramifications re plaintiff and others.

In view of the warnings in the

Court's Minute Order of 4/23/90, plaintiff is afraid to ask the Court to reconsider but if allowed to she would and she respectfully takes her exceptions to the rulings of 4/23/90 if allowed to do so.

In no way does plaintiff mean any disrespect to any Court,and she respectfully prays that her Motion will be favorably considered.

Respectfully submitted,
signed: Louella F. Benson,prose

I certify that the original and 3 copies are being sent to Hon.Robert H.Shemwell,Clerk of Court-Western District 106 Joe D.Waggonner Federal Building, 500 Fannin St., Shreveport, La. 71101(with a self-addressed stamped envelope for a filed copy to be returned for her files) via overnight service on this the 2nd of May 1990 and that a copy of motion is also being sent to... Joseph W.Rausch,Esq.,Charles Brandt,Esq. ..... signed: Louella F.Benson

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NO. 90-4393

LOUELLA F.BENSON,

plaintiff-appellant,

vs.

GLENN A. ALLY,ET AL,

defendants-appellees

U.S.Court of Appeals
F I L E D
Jun 12, 1990
Gilbert E.Ganucheau,Clerk

RESPONSE AND OPPOSITION TO APPELLEES' MOTION TO DISMISS APPELLANT'S NOTICE OF APPEAL IN ABOVE CASE NO. 90 4303

NOW comes Appellant,Louella F. Benson,pro se, and states as follows in opposition to Defendant William C. Gibson, former Deputy Sheriff of Acadia Parish and Southern American Insurance Company's Motion to Dismiss Plaintiff-appellant's Notice of Appeal (The Sheriffs of Acadia Parish shown by opposing counsel have not been named defendants in subject case.)

Plaintiff-appellant has duly filed her Notice of appeal and paid the fee; facts show that the defendant-appellees would continue to be well served by discrimination and prejudice against this prose appellant. A docket number has been assigned to the case and appellees should have waited until after appellant files her brief with facts to prove her position and then file a response with motion to dismiss with any facts they may have, provided plaintiff-appellant be timely copied to respond prior to ruling which has not been the case in the past in subject and related cases....

Rule 58 of the F.R.C.P. states:

> "...or upon a decision by the Court that a party shall...or that all relief shall be denied, the clerk, unless the court otherwise orders, shall forthwith prepare, sign, and enter the judgment without awaiting any direction by the court."

The Order in this case was promptly filed by the Clerk on 4/23/90 and mailed to all parties on 4/24/90.The facts plaintiff-appellant presented with supporting attachments in her Motion For Recusal, denials of due process, etc. are in the record. The Court's above mentioned severe threats, etc.were also a threat to plaintiff's "appeal as of right--When taken".However, as shown in the record on May 3, 1990, plaintiff timely filed a Motion to Withhold Final Ruling of Minute Entry of April 23, 1990 until after she was copied with information denied to her and requested in Motion filed on 5/3/90, and until after she had had an opportunity to obtain discovery in related areas from people with interest in subject and related cases in that this too would reflect on her

Motion for Recusal. As shown by the Court's Order filed in the record by the Clerk on 5/14/90: "Plaintiff's pro se Motion to Withhold Final Ruling regarding her motion to recuse Judge Walter is DENIED. underscore added....

Since the Judge denied plaintiff's motion to Withhold Final Ruling, plaintiff had every reason to believe that a final ruling had been entered and she timely filed her Notice of Appeal on May 24, 1990. In view of the above-mentioned, the denials of due process, etc., and the following, Defendants-Appellees' Motion to Dismiss Notice of Appeal should be denied.....

signed: Louella P.Benson,prose

Brief in Opposition to Defendants' Motion to Dismiss Notice of Appeal

Rule 4 Appeal as a right--When taken F.R.A.P. states:

"(a) Appeals in civil cases.--(1)

In a civil case in which an appeal is permitted by law as of right from a district court to a court of appeals the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days after the date of entry of the judgment or order appealed from; but if the United States or an officer or agency thereof is a party, the notice of appeal may be filed by any party within 60 days after such entry.. (2) Except as provided in (a) (4) of this Rule 4, a notice of appeal filed after the announcement of a decision or order but before the entry of the judgment or order shall be treated as filed after such entry and on the day thereof."

Opposing Counsel fails to state that Judge Stagg's ruling of May 14,1990, is a Denial of Plaintiff's Motion to Withhold Final Ruling.

Opposing Counsel must admit that it is hornbook law that the opposition has to be copied prior to ruling with an opportunity to respond prior to decisions of the Courts and which

is a requirement in our Judicial system and as expressly documented and required by the F.R.C.P. and the F.R.A.P. Also the Supreme Ct ruled in Goss v. Lopez,419 U.S. 565; 42 L.Ed 2d 725; 95 729 (1975):

> "...however informal a hearing,a student must be allowed to state his version as a hedge against erroneous action." underscore added.

Plaintiff's facts show that opposing counsel did not address the issues and facts plaintiff submitted in her Motion For Recusal; he simply said it was devoid of merit, as though he was the Judge or his client was the Judge and his word could not be questioned and no proof was needed from he nor his client!....(Plaintiff only spoke with Judge Walter via phone very,very briefly once during phone conference

between she and opposing counsel last fall which Judge Walter ordered and which he took part in at which time plaintiff informed of the address of Defendant Gibson in Lafayette; she said he was listed in the Lafayette listing, and requested that he be made to comply with the Magistrate's order to answer the interrogatories. (She kept record of what she said during phone conference-very brief.).....

Counsel for the defendants did not address the facts plaintiff presented, e.g., Judge Walter's Order preventing her from communicating with him when infact an opposing counsel in that case was allowed to continue inspite of documentations in record; plaintiff's motions were never heard, including a motion re her brother as shown in the record--

who has refused to answer any interrogatories and who has attached her property, (defendants' motion for mental evaluation were heard and granted without oral argument-instead of the pending unanswered crucial interrogatories they never answered-on the day plaintiff went on her property in La. and was exposed to the most potent chemical "Spike" without warning against her expressed wishes, and which chemical the manufacturer has refused to sell to the government to use in Peru because of concerns by scientist of this long-lasting chemical re knowns and unknowns....However,plaintiff's motion to evaluate her brother was never ruled on, inspite of her affidavit and attachments; sanctions were suggested instead. Plaintiff presented transcript of prior hearing

to show Judge Walter recommended sanctions against plaintiff after she had timely informed the Court through Clerk that she may not be able to attend the hearing on her discovery motions (including motion to evaluate her brother) because her husband had to have more cancer surgery. See affidavits in record, including one which shows she had made plans to attend.

Opposing counsel must also admit that he had an obligation to locate his client and have him comply with the Magistrate's order to answer the interrogatories and request for production re the client's first damaging affidavit re this plaintiff who he does not know and his client's second affidavit denying such things;... Mr.Barousse,prior lawyer always found Defendant Gibson. That three opposing counsels in the firm of Stassi,Rausch

& Giordano could not locate their client who was listed in the directory in Lafayette where he was supposed to be, is enough in itself "to make law". That sanctions were imposed on plaintiff by Judge Walter, staying all proceedings in the case, after plaintiff, in good faith, took opposing counsels at their word to allow more time to have their client comply with the Magistrate's Order, and which opposing counsel admitted plaintiff needed prior to meeting with opposing counsels so that she could prepare pre-trial order, (see record), again showed that Judge Walter has been prejudiced. Not allowing plaintiff to file further proceedings is additional denials of due process rights and making

justice impossible, and it is helpful to defendants,including other defendants involved in these matters who had infact used, circulated this phony damaging affidavit to plaintiff's detriment in a fraudulent scheme to take unfair advantage of her in business deal as pleaded and they refused to answer any interrogatories, secret hearsay distortions and untruths as pleaded never subjected to cross inspite of years of secret processes, and to plaintiff's ongoing detriment.....

Plaintiff is being punished because she found opposing counsel's client where he was supposed to be and listed in Lafayette while he and his counsels knew he had to comply with the Magistrate's Order. Judge Walter has been so prejudiced that he apparently did not believe plaintiff when she informed

all parties of the whereabouts of Defendant Gibson who was ignoring the Magistrate's order and as shown in the record. Infact, there is a pattern of denial of due process and discrimination in the Western Dist. against this pro se woman from out of state as compared to the defendants and their counsels,and there have been instances where the record itself revealed that plaintiff was not copied,including prior to rulings adverse to her and there were serious distortions involved and which was related to subject case. ...one of the "controlling questions of law", is plaintiff's lawful right to be copied fully with all submittals by the opposition or anyone with a right to respond prior to rulings, the right to

file pleadings re those who used and circulated the untruths re plaintiff in the first 1985 affidavit, the right not to be punished and denied her rights because counsels' client was ignoring a Court Order....the severe warnings serve to further tie plaintiff's hands to prevent her from pursuing her rights and especially in view of new developments in the case. That plaintiff would be forced to go before a Judge who has formed an opinion of the case, as shown in record, Judge Walter said "...I thought the record would speak for itself" instead of considering plaintiff's discovery motions. The facts that have come out have shown that this pro se plaintiff was telling the truth all along, in addition to the Gibson affidavits documented in record, facts

show that for summary judgment E.J. Faul represented to the Court for Summary Judgment for Faul Energy, that he only had a few shares of stock in Faul Energy, but plaintiff presented his statement underoath later to show that he testified that he was the owner of Faul Energy,and E.J.Faul (and other defendants in this case) refused to answer any interrogatories which were sent to them and due prior to their filing any motions in subject case, but they all got summary judgment with no questinns answered and plaintiff's discovery motions, including to evaluate her brother were never heard inspite of the documentations in the record,plaintiff's affidavits and facts to be put in evidence.

That again shows discrimination and that this prose woman from out of state is being treated differently from her brother who first sued her and who had prior plans to take complete control of the Faul estate,and he has infact attached plaintiff's farm after she remodeled as shown in record. Plaintiff left with tortures and unconscionable violations of rights after years of secret processes and abuses while her brother, a male, is protected and does not have to answer anything inspite of matters documented in plaintiff's affidavit in record,nor was plaintiff's motion to compel the other defendants to answer interrogatories ever heard, and which was crucial for a chance at justice. After plaintiff's relatives were

allowed to deny discovery in subject case and obtained summary judgment, they were listed as witnesses in the Spike case where the defendants in that case were trying to say she does not own her farm and which her brother, et al were trying to obtain after cancelled checks, recorded deed,etc! Defandant Gibson, a male, was again being protected for ignoring Court Order while plaintiff prose was punished! As shown the Judge denied her timely filed Motion to Withhold Final Ruling of April 23, 1990--The non compliance with the disclosure laws is further violation of plaintiff's rights and inconsistent with the rulings of U.S. Dist.Judge Fritsch in New York 1988, who ordered complete disclosure in Xerox Corp.and two New York families... and with the Texas Supreme Court-1990..

....it is opposing counsel and defendants who wasted the Court's time by not bothering to produce their client (who was where he was supposed to be) to make him comply with the Magistrate's order at the time and there were delays for months, and after plaintiff located him, he has yet to swear to his answers but further proceedings have been stayed! The facts in the record show that Judge Walter suggested and invoked sanctions against this prose woman but protected Defendant Gibson and his counsel by not suggesting and invoking sanctions when Gibson was ignoring the Mag.'s Order and infact punished plaintiff instead by staying further proceedings which again protects Gibson and the other defendants.

Opposing counsel says that plaintiff should not be allowed to dabble in Federal court procedure. In plaintiff's opinion, the fact that three different lawyers from this firm put in their appearance one after the other (one left the firm after he was supposed to go to Lafayette to meet with Gibson) in delaying and saying they could not find their client who was where he was supposed to be in Lafayette --is foot dragging for which they and their client were well-served as he ignored the court order and plaintiff was punished and on-going ....opposing counsel should not talk about fairness or standards in view of facts documented in record..in addition to the F.R.C.P. and the F.R.A.P. the Bar has certain requirements and standards which apply to lawyers also.

Sanctions against this plaintiff would be adding blood to on-going injury; ongoing tortures of this law abiding plaintiff. Plaintiff has facts to show that she won case against lawyer for fraud and forgery, including on appeal, prose,however, she was granted discovery in that case....Further counsel's filing "Motion to Dismiss Notice of Appeal" is an attempt to prevent appellant from exposing the unconscionable facts which show prejudice and discrimination and denials of due process,by trying to have "Notice of Appeal" dismissed instead of and before plaintiff has an opportunity to file her brief!...Plaintiff also invokes all anti-discrimination laws...Inspite of being in Virginia...she was able to timely protect her rights by using overnight service...Thomas vs.Capital Securities Inc.836 Fd 2nd 866;5th Cir.'88

Minute Entry
Walter, J.
Jan.4, 1989
Louella F.Benson
versus C.A.No.86-0489
Glenn A.Ally,etal.

U.S.District Court
Western Dist. of Louisiana
F I L E D
Robert H.Shemwell, Clerk
By ac - deputy

* * *

Pending for determination is a motion for summary judgment by defendants Williams C.Gibson ("Gibson"),former Deputy Sheriff of Acadia Parish, Louisiana, and Southern American Insurance Company ("Southern"), the insurer of the Acadia Parish Sheriff's Department. Gibson has presented compelling evidence that he never submitted to Glenn A.Ally,Ph.D., any statements, reports, or other information concerning plaintiff's mental condition. Plaintiff opposes, submitting

both copies and originals of various affidavits and exhibits in which she refutes an unsworn statement bearing defendant Gibson's name in which he refers to plaintiff's mental condition. Plaintiff has 20 days to present to this Court evidence that the unsworn statement of Gibson is in fact genuine and was submitted to Dr. Ally for the purpose of developing his mental evaluation of plaintiff. Defendants will then have 10 days to respond to any submissions presented by plaintiff.

Initialed DEW

Copy sent
Date 1-6-88
By cm
To: Benson
Brandt
Barousse,Jr.